

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD PETERSON,)
Plaintiff,)
vs.) CASE NO.:
TOWN OF CLAYTON, ALABAMA,) 2:06CV110-VPM
Defendant.)

The deposition of RICHARD PETERSON taken pursuant to the Alabama Rules of Civil Procedure before Tina L. Harrison, Court Reporter and Notary Public, State at Large, at the law offices of Cobb, Shealy, Crum, Derrick & Pike, P.A., 206 North Lena Street, Dothan, Alabama, on the 10th day of October, 2006, commencing at approximately 10:00 a.m.

CONDENSED

APPEARANCES

FOR THE PLAINTIFF:

MR. MALCOLM R. NEWMAN, Attorney at Law,
219 West Crawford Street, Post Office Box 6137,
Dothan, Alabama 36301.

FOR THE DEFENDANT:

MR. TODD DERRICK, Attorney at Law, Cobb,
Shealy, Crum, Derrick & Pike, P.A., 206 North
Lena Street, Post Office Box 6346, Dothan,
Alabama 36302-6346.

STIPULATION

IT IS STIPULATED by and between Counsel
for the parties that this deposition be taken at
this time by Tina L. Harrison, Court Reporter
and Notary Public, State at Large, who is to act
as commissioner without formal issuance of
commission to her; that said deposition be taken
down stenographically, transcribed and certified
by the commissioner.

Except for objections as to the form of
the questions, no objections need be made at the
time of the taking of the deposition by either
party, but objections may be interposed by
either party at the time the deposition is read
into evidence, which shall be ruled upon by the
Court on the trial of the cause upon the grounds
of objection, then and there assigned.

The reading and signing of the
deposition is waived.

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(Whereupon, Defendant's Exhibits Peterson 1-31 were marked for identification.)

RICHARD PETERSON,
 being first duly sworn to tell the truth testified as follows:

EXAMINATION

BY MR. DERRICK:

Q. Mr. Peterson, my name is Todd Derrick. We just met. I represent Clayton in this lawsuit.

MR. DERRICK: Usual stipulations all right?

MR. NEWMAN: That's fine.

Q. State your name, please, for the record.

A. Richard Peterson.

Q. Mr. Peterson, you're here with your attorney today; is that right?

A. Yes.

Q. Mr. Malcolm Newman?

A. Yes.

Q. Have you ever given a deposition before?

A. Yes.

Q. Could you tell me about that, please?

A. Well, it was part of my law enforcement. I actually investigated an accident, and I gave a deposition in reference to my findings, as far as conducting the investigation in the accident.

Q. Okay. And I know that you've testified in court as part of your involvement with --

A. Yes.

Q. -- law enforcement. So we probably don't need to go through the whole routine about speaking up so she can hear you and me and you trying to avoid talking over each other and trying to avoid nodding and that sort of thing. I guess that's old hat. But you understand those rules; right?

A. Yes, I do.

Q. I also want you to understand that if you want to take a break today, I encourage you to let me know. Don't feel like you have to sit here if you're uncomfortable. Now, if you do take a break once the deposition is started, I have a right to ask you what you and your attorney talked about during the break. But that still shouldn't make you sit there. If you want to stretch your legs or go to the bathroom or if you want a cup of coffee or a glass of water, you feel like you're in charge enough to tell me that, okay?

A. I understand.

Q. And you understand that you're under oath today?

A. Yes.

Q. And you understand that the answers that you're going to give today are used in the federal lawsuit that you've filed?

A. Yes.

Q. Do you understand that if I ask a question and you don't know the answer to it,

10

1 it's okay to say, I don't know the answer, if
2 that's the truth?

3 A. I understand.

4 Q. And do you understand that if you
5 can't remember something, it's okay to say, I
6 can't remember or I don't recall, if that's the
7 truth?

8 A. I understand.

9 Q. And you understand that if I ask a
10 question so poorly that you don't understand it,
11 that you have every right to ask me to rephrase
12 that question?

13 A. I do understand.

14 Q. Now, the flip side of that is if I ask
15 a question and you answer it, I'm going to
16 assume that you do understand it and that you've
17 answered it completely, okay?

18 A. Yes.

19 Q. Fair enough? If you happen not to
20 remember the answer when I first ask it, I want
21 you to feel comfortable to interrupt me later if
22 your memory comes back to you and you remember
23 it in the course of this deposition, okay?

11

1 A. Okay.

2 Q. Same thing: If you need to clarify
3 something, I want you to feel free to stop me to
4 clarify anything that maybe needs clarifying, if
5 that happens during the course of this
6 deposition.

7 A. I understand.

8 Q. If I ask you some questions today that
9 they come back to you at a later point, after
10 this deposition is over, you will let your
11 attorney know that and make sure that that
12 information gets to me before trial? Will you?

13 A. I do.

14 Q. Are you doing okay physically today?

15 A. Yes. I'm fine.

16 Q. And don't take this personally. As
17 you can tell, these are questions that I would
18 ask anybody. Mentally, you feel fine today?

19 A. I'm fine.

20 Q. And is there anything today that would
21 prevent you from taking this deposition?

22 A. No.

23 Q. Or from telling the truth?

12

1 A. No.

2 Q. Okay. Have you consumed any alcohol
3 in the last eight hours?

4 A. No.

5 Q. And have you taken any sort of
6 prescription medication or any drugs otherwise
7 in the last day?

8 A. No.

9 Q. Did you look at any documents to
10 refresh your memory to get ready for today?

11 A. Yes.

12 Q. Could you tell me what those are?

13 A. Well, only the documents -- some of
14 the documents that I have here, that I was asked
15 to bring.

16 Q. Okay. Great. So the documents that
17 you looked at to refresh your memory are the
18 same documents that I asked you to bring anyway;
19 is --

20 A. Yes.

21 Q. -- that right? Why don't we take a
22 minute and let's see if there are any documents,
23 other than what I already have, that you've

13

1 brought today, if you don't mind? Are those
2 other documents --

3 A. Basically, duplicate type documents.

4 Q. Is there anything that's not -- that's
5 in that that's not in this? (Indicating.)

6 A. I don't believe you've got that.
7 (Indicating.) I don't know if this -- newspaper
8 clippings. Other than that, they're pretty much
9 the same documents. Yes.

10 Q. I think that I have most of these.
11 And I think that what would be easier, if you
12 all don't mind, is while we start the
13 deposition, that I go ahead and have my
14 secretary copy these; and then I'll have
15 everything. And what we can do is -- as a
16 matter of fact, just cursory review, I think the
17 only thing that I might see that I haven't come
18 across or that I didn't prepare is your letter
19 informing the chief about taking the job with
20 the State. So let me, if you don't mind -- this
21 ultimately will speed things up -- go ahead and
22 get her up here.

23

14

1 (Whereupon, a discussion was held off
2 the record.)

3
4 Q. I think you had your notice of
5 deposition there. Did I see that? Yeah. I
6 just want you to follow along with me. I asked
7 you to bring any and all statements of any
8 person, including parties to this litigation,
9 who has or claims to have knowledge of the
10 following. And I listed, The facts and
11 circumstances relating to the occurrence alleged
12 in your complaint or injuries or damage or any
13 other facts or circumstances that are relevant
14 to the lawsuit. You have responded to that
15 fully; is that correct --

16 A. Yeah.

17 Q. -- with the documents you've shown me?

18 A. Any statement that I would have, I did
19 bring them.

20 Q. Okay. And my point of going through
21 this list -- and I want to do it quickly, but I
22 want to -- just to make sure that what you've
23 produced is completely responsive to this and

15

1 that there aren't going to be any other
2 documents produced later that I would be
3 surprised by. Do you understand what we're
4 doing?

5 A. I understand.

6 Q. Number two, it asks about data on your
7 physical or mental condition prior to and
8 subsequent to the alleged occurrence. I didn't
9 see any documents like that, but I assume that
10 that's not going to be an issue in this case; is
11 that right?

12 A. That's right.

13 Q. All documents and tangible things you
14 will offer as evidence at trial. And I
15 understand that I may offer some things and
16 there may be others, but at this point in time,
17 you've produced all such documents?

18 A. Yes.

19 Q. Is that right?

20 A. Yes.

21 Q. All documents and tangible things you
22 will use for impeachment. And, of course, I
23 understand that, depending on the witnesses I

16

1 put on, there may be others. But at this point
2 in time, any documents you intend to use for
3 impeachment you've brought today; is --

4 A. Yes.

5 Q. -- that correct? And then I asked
6 about medical records again. I can safely move
7 away from medical records because that's not
8 involved in this claim; is that correct?

9 A. That's correct.

10 Q. Next, I asked about expert reports. I
11 can safely move away from those. You are not
12 intending to use any experts?

13 A. That's correct.

14 Q. Next, I asked about experts again on
15 seven. I'll skip on to eight. Test results,
16 reports, and photographs provided to you, your
17 counselor -- again, this relates to experts and
18 I'll skip that. All documents pertaining to any
19 claim or action by or on behalf of you regarding
20 the alleged occurrence in this matter. As fully
21 as you know, you've provided those documents
22 today?

23 A. Yes.

17

1 Q. All employment records or
2 communications with any of your past or current
3 employers. Obviously, I don't expect you to
4 have kept your personnel files -- and we'll get
5 into a list of people that you've worked for
6 previously. But any of them that you had copies
7 of -- let me rephrase that. I take it you did
8 not have any such copies --

9 A. That's correct.

10 Q. -- is that correct? Same about 11.
11 You did not bring your tax returns. I assume
12 you may have copies of those. If they become
13 important, can you get those?

14 A. If I can get them. I couldn't get my
15 hands on them.

16 Q. Okay. Number 13, Any report or
17 writing in your possession prepared or signed by
18 an agent of the defendants regarding the facts
19 and circumstances relating to the occurrence
20 alleged in your complaint. Now, obviously, I
21 have produced your file to your attorney. There
22 are more documents that you've produced, but
23 other than things that I've already turned over

18

1 to you and these things that you've brought
2 today, you've completely responded to number 13;
3 is that right?

4 A. Yes.

5 Q. I know that there is a release that
6 you signed with the Town that we'll talk about.
7 I don't see that here. But as far as I know,
8 there's only one release, and as far as you
9 know, there are no -- you don't have a copy of
10 any other releases; is that correct?

11 A. No.

12 Q. Is that correct?

13 A. That's correct.

14 Q. Number 19, All correspondence from the
15 defendant in your possession, custody, and
16 control. You've produced all such documents you
17 have in response to number 19 there; is that
18 correct?

19 A. Yes.

20 Q. As far as number 20, I didn't see
21 anything in response to number 20. Do I take it
22 there are no such documents?

23 A. Correct.

19

1 Q. Number 21, it talks about experts.
2 We've cleared that up. Same for 22. And as far
3 as any written contract of employment, there is
4 no such written contract of employment between
5 you and the City; is that correct?

6 A. That's correct.

7 Q. So that's number 23. And I have
8 marked that notice somewhere in this pile, and I
9 ended up going a little out of order. But let's
10 go ahead and mark it so we'll be through with
11 that. What we just went over is what I have
12 marked as Defendant's Exhibit 6; is that
13 correct? And take your time and look at it.

14 A. That's correct.

15 Q. And the numbers that I referenced as
16 we were going down correspond with what's on
17 Defendant's 6?

18 A. Yes.

19

20 MR. DERRICK: And I'm going to
21 offer 6 into the deposition.

22

23 Q. I asked you to state your name, but I

20

1 really didn't ask you if that's your full legal
2 name. Did you give your full legal name?

3 A. Yes.

4 Q. Okay. Are there any other names that
5 you are known by in the community? Nicknames
6 or --

7 A. Pete.

8 Q. Okay. Any others?

9 A. No.

10 Q. And have you ever changed your name
11 for any reason?

12 A. No.

13 Q. Do you have a lot of relatives in and
14 around Barbour County?

15 A. Not really. I don't.

16 Q. Okay. Generally, what's the family
17 name, other than Peterson, that might be related
18 to you? I won't ask you to go down a list.

19 A. Parker.

20 Q. Parkers? Petersons and Parkers are
21 more likely -- those are the family names?

22 A. Yes.

23 Q. I ask this not to get in any kind of

21

1 communication between you and your attorney.
2 I'm asking it because sometimes we find there's
3 another lawyer that maybe sent the case to your
4 attorney, and that's what I want to know: How
5 you came to hire the attorney you have; if you
6 were referred by someone.

7 A. Just did an attorney search, really, a
8 personal -- my own thing. Nobody referred him
9 to me.

10 Q. So no other lawyer or person -- and I
11 ask this because I have to strike a jury one
12 day.

13 A. No.

14 Q. No other lawyers out there and either
15 you just knew about Mr. Newman or you don't
16 recall how you came to pick him; am I correct?

17 A. That's correct.

18 Q. Are you married?

19 A. No.

20 Q. Have you been married during the time
21 that we're going to talk about? During your
22 employment with Clayton, were you married?

23 A. No.

22

1 Q. Have you ever been arrested for
2 anything?
3 A. No.
4 Q. Have you ever been in any -- involved
5 in any lawsuits, other than what you talked
6 about a moment ago, where you testified as a
7 witness as a police officer? Have you
8 personally been a party, a plaintiff or
9 defendant, in any lawsuits?
10 A. Yes.
11 Q. Okay. Tell me about those.
12 A. Well, it was against a bank where some
13 property was taken back. And some litigation
14 was done, and it was settled in a confidential
15 nature.
16 Q. Okay. Well, I won't ask you about the
17 amount of the settlement, but let's go down the
18 list. That's one. Are there any others?
19 A. That's the only one I've been involved
20 in.
21 Q. Okay. Tell me -- you were the
22 plaintiff, I take it?
23 A. Yes.

23

1 Q. And they allegedly took some of your
2 property?
3 A. Yes.
4 Q. Okay. And where was that filed? Do
5 you recall?
6 A. Bullock County.
7 Q. And do you remember the attorneys
8 involved?
9 A. My attorney was Attorney Linda
10 Henderson out of Tuskegee.
11 Q. Do you remember the bank?
12 A. Community Bank and Trust and
13 AmeriFirst.
14 Q. And about when did this happen? More
15 than ten years ago?
16 A. Not quite ten. Maybe five, six years
17 ago.
18 Q. Okay. And it was settled out of
19 court?
20 A. Yes.
21 Q. And did you take a deposition in that
22 case, like we're doing here today?
23 A. Yes.

24

1 Q. And now that we've talked about it, do
2 you recall ever doing -- you've told me two
3 times that you've been deposed. Any others that
4 you recall?
5 A. I guess over a period of 20 years in
6 law enforcement -- I guess that --
7 Q. Well, I realize --
8 A. I can't remember exactly.
9 Q. And let me differentiate. I know that
10 you would testify in trial pretty regularly. I
11 mean away from the courtroom, like what we're
12 doing here, with just the lawyers and the court
13 reporter.
14 A. I can't remember.
15 Q. Okay. Tell me about your education,
16 if you would, please.
17 A. Could you repeat that?
18 Q. I'm curious about your education.
19 A. Okay. High school diploma; three
20 years of college; roughly 780 continuing
21 education hours in law enforcement; and various
22 seminars and training.
23 Q. Where did you graduate from high

25

1 school?
2 A. When?
3 Q. When and where?
4 A. Eufaula, 1982.
5 Q. And you have three years of college.
6 It sounds like you're fairly close to getting a
7 degree. Do you recall what your degree was --
8 what your aim was, what your degree goal --
9 A. Initially, it was business management
10 and changed over to criminal justice.
11 Q. Did you get a degree --
12 A. No, I didn't.
13 Q. All right. And I'm sure this may not
14 amount to anything, but I'm curious. You were
15 fairly close. Is there any particular reason
16 you didn't finish?
17 A. Just time and moving around, really.
18 Just never really made time to continue.
19 Q. You were working and going to school?
20 A. Yes.
21 Q. Okay. Have you ever served in the
22 military?
23 A. Yes.

26

1 Q. Tell me about that.

2 A. In 19 -- September 6th, 1982, I

3 entered the U.S. Marines. Fulfilled my

4 obligation -- a six-year obligation; three

5 active, three inactive. 2002 -- September 30th,

6 2002, I joined the U.S. Air Force Reserves,

7 where I presently serve.

8 Q. Okay. So there was a period of time

9 between your stints in the military. And you

10 were honorably discharged, I'm sure?

11 A. Yes.

12 Q. What was your rank when you were

13 discharged from the Marine Corps?

14 A. Sergeant.

15 Q. And what's your rank now?

16 A. I'm sergeant now.

17 Q. Where do you serve now?

18 A. Maxwell Air Force Base.

19 Q. Do you recall ever having any Article

20 15s or any other --

21 A. No, I haven't.

22 Q. -- negative reports, either in the

23 Marine Corps or currently?

27

1 A. No.

2 Q. Have you ever declared bankruptcy?

3 A. No.

4 Q. Have you ever felt like you were

5 improperly passed over for a promotion during

6 your military service?

7 A. No.

8 Q. I'd like it if you would, please, take

9 me from high school forward and tell me your

10 employment history.

11 A. From high school?

12 Q. Please, sir.

13 A. U.S. Marine Corps.

14 Q. Now, you said three active?

15 A. Three active and three inactive.

16 Q. Now, that's different -- inactive is

17 different than Reserve status?

18 A. Yes.

19 Q. You just were in a -- you were there

20 if they called, but if they didn't, you didn't

21 have to do anything; am I right?

22 A. That's correct.

23 Q. Okay. I'm listening.

28

1 A. Alabama state -- the State of Alabama

2 as an Alabama state trooper.

3 Q. Now, did you leave the Marine Corps

4 and pretty well go straight to work with the --

5 A. Not straight but maybe a year, year

6 and a half later I -- in 1980 -- August 1986

7 with the State of Alabama.

8 Q. And what were you doing between --

9 when you got out of the Marines and started with

10 the troopers?

11 A. I got out of the Marine Corps in '85.

12 I pretty much didn't do anything as far as

13 employment -- waiting on -- I started that

14 immediately. It just was the process, and it

15 didn't start until '86.

16 Q. I'm sorry to interrupt you. You were

17 telling me you went to work with the state

18 troopers?

19 A. Yes.

20 Q. And how long were you with the state

21 troopers?

22 A. Until '97.

23 Q. Did you work any other places, full or

29

1 part time, while you also were employed with the

2 state troopers?

3 A. No.

4 Q. So it was continuous employment from

5 '86 to '97?

6 A. Yes.

7 Q. And that was with the Alabama state

8 troopers?

9 A. Yes.

10 Q. Okay. And then what was your next

11 job?

12 A. 1987, Tuskegee Police Department.

13 Q. You said '87.

14 A. I mean '97. I'm sorry.

15 Q. Okay. How long were you with the

16 Tuskegee Police Department?

17 A. Until 2001.

18 Q. During your employment with the

19 Tuskegee Police Department, did you hold any

20 full or part-time jobs while employed with

21 Tuskegee?

22 A. Yes.

23 Q. Tell me about those that you held at

30

1 the same time you were working at Tuskegee.
 2 A. Victoryland Police Department, part
 3 time.
 4 Q. And how long -- you were part time,
 5 but what years were you part time with
 6 Victoryland?
 7 A. It was continuously pretty much during
 8 that same period.
 9 Q. Pretty well overlapping --
 10 A. Yes.
 11 Q. -- full-time employment?
 12 A. Yes.
 13 Q. But your Victoryland work was part
 14 time?
 15 A. Yes.
 16 Q. I didn't realize Victoryland had a
 17 separate police department. Was it a
 18 security --
 19 A. Security police. Yes.
 20 Q. Okay. And that brings us to 2001.
 21 And what happened in -- where did you go to work
 22 in 2001?
 23 A. Clayton Police Department.

31

1 Q. All right. Did you initially start as
 2 a full-time employee with Clayton?
 3 A. I can't recall, exactly. I was doing
 4 40 hours. I don't know if they assumed it full
 5 time or not.
 6 Q. Okay. And I know at some point
 7 working for Clayton you also were working
 8 another job or two. There may be others I don't
 9 know about. I know Hurtsboro.
 10 A. Yes.
 11 Q. How soon after starting at Clayton did
 12 you start working at Hurtsboro?
 13 A. In 2002, I believe. It was 2002.
 14 Q. And then after you left Hurtsboro, you
 15 took a job with the State of Alabama?
 16 A. Yes.
 17 Q. And you still have that job?
 18 A. Yes.
 19 Q. And I'm not really clear what that job
 20 is.
 21 A. I am a special investigator; conduct
 22 investigations concerning nursing facilities.
 23 Q. Like abuse and things?

32

1 A. Abuse, pretty much all type of
 2 complaints.
 3 Q. You travel the state doing that, or is
 4 it a desk job?
 5 A. No. We travel.
 6 Q. Okay. I mean, it sounds rewarding. I
 7 have an aunt in the nursing home, and there are
 8 good ones and bad ones. Have we covered all of
 9 your jobs since you graduated high school?
 10 A. Yes. The Air Force is included in
 11 that. Yeah.
 12 Q. That's true. And I know you have
 13 annual training?
 14 A. Yes.
 15 Q. And I know you have, from time to
 16 time, other requirements. But have you ever
 17 been on active duty for more than just your
 18 annual training with the Air Force?
 19 A. Yes.
 20 Q. For how long?
 21 A. 30 days, 60 days, things of that
 22 nature.
 23 Q. But not like a year of deployment or

33

1 anything --
 2 A. No. I haven't been deployed.
 3 Q. Okay. And you've had employers who
 4 accommodated you as far as those kind of 30-day,
 5 60-day --
 6 A. Yes.
 7 Q. -- training? Okay. So we've got the
 8 Air Force. We've got the United States Marine
 9 Corps. We've got the state troopers;
 10 Tuskegee -- I'm not necessarily putting these in
 11 order. I'm just reading them back to you --
 12 Victoryland Police Department; Clayton Police
 13 Department; Hurtsboro; and then the State of
 14 Alabama, that you work -- your job now. As
 15 we've gone over that list, does anything else
 16 come back to you?
 17 A. I believe that's going to be it, as
 18 far as I can remember.
 19 Q. Now, tell me the actual department
 20 that you work for with the State right now.
 21 A. Public health.
 22 Q. And where do you report to work?
 23 A. Montgomery.

34

1 Q. And has that been the case ever since
2 you took the job?

3 A. Yes.

4 Q. And as part of your job as a special
5 investigator, is it more time doing paperwork
6 and sitting at your desk and making phone calls
7 or is it more time out in the field and visiting
8 a nursing home?

9 A. I do a lot of desk work, but at any
10 given time, you could be gone.

11 Q. On your average week, are you subject
12 to be in the nursing home more than once during
13 the course of a week?

14 A. You're subject to be.

15 Q. On average, how many nursing homes do
16 you visit a month?

17 A. I guess two. I would say two.
18 Sometimes it may be more than that.

19 Q. Okay. And it may be -- usually you
20 visit them once, or is it several visits in the
21 course of investigating them?

22 A. Well, you would be there several days
23 if you actually went in.

35

1 Q. And do you have a geographic area
2 you're responsible for, or is it the whole
3 state?

4 A. It's pretty much the entire state.

5 Q. What's the most further -- what's the
6 most northern nursing home that you've ever
7 visited, that you can remember?

8 A. In Florence, Alabama.

9 Q. And the most western nursing home that
10 you can remember?

11 A. I haven't been out West much.

12 Q. And like your trip to Florence, I
13 would think that would be -- you would get a
14 hotel room and stay there?

15 A. Yes.

16 Q. And is the sort of work you're doing
17 now fairly identical to the sort of work you
18 were doing while you were working for Clayton,
19 or have your responsibilities changed much?
20 That's what I'm trying to figure out.

21 A. I guess the responsibility has changed
22 somewhat. It has.

23 Q. Explain that a little bit to me.

36

1 A. In Clayton it was more criminal, and
2 you knew you were by yourself, pretty much.

3 Q. I don't think I asked my question very
4 well, and maybe I did. I'm just talking about
5 your job with the State. I'm not talking about
6 your Clayton job. I mean the job with the State
7 that was during the time frame you were also
8 working at Clayton. In other words, if I
9 followed you to work in Montgomery, would you
10 have pretty much the same responsibilities today
11 as you did back in '03, '04, or '05?

12 A. It's changed some.

13 Q. And I apologize for interrupting you.
14 You were explaining that to me.

15 A. It's changed. I go out more so now
16 than I did when I was working with Clayton.

17 Q. And when you were working with
18 Clayton, did you have to go out any?

19 A. I can recall once, maybe twice going
20 out.

21 Q. Okay. And you said earlier that on an
22 average month it's not -- you said two or three
23 nursing home visits. So it sounds like the bulk

37

1 of your time was actually reporting to work in
2 Montgomery?

3 A. Yes.

4 Q. Is that fair?

5 A. Yes.

6 Q. You left the Marine Corps on good
7 terms?

8 A. Yes.

9 Q. Honorably discharged?

10 A. Yes.

11 Q. Tell me why you left the state
12 troopers.

13 A. Termination.

14 Q. Okay. Tell me the details of that.

15 A. I was terminated. The allegation was
16 I held a driver's license check without getting
17 permission. I was in a high-speed chase without
18 informing the office that I was in a high-speed
19 chase. That's been ten years ago. I can't
20 remember all of the exact, but that was the bulk
21 of it there.

22 Q. There may have been other things?

23 A. Yes. As far as their allegations,

38

1 there might be. I never saw the investigation
2 part of it.

3 Q. Okay. But you recall that they
4 terminated you, and the two things you
5 specifically recall had to do with holding a
6 driver's license -- a driver's license
7 checkpoint --

8 A. Yes.

9 Q. -- you set up on your own, basically?

10 A. Yes.

11 Q. And you're not supposed to do that, I
12 take it?

13 A. I guess you're not supposed to.

14 Q. And you had a high-speed chase that
15 you didn't call in on the radio?

16 A. Yes.

17 Q. Do you feel that your termination from
18 the state troopers was in any way racially
19 motivated?

20 A. It's hard to say at this moment. I
21 can't recall the entire circumstances.

22 Q. Have you ever felt like it was?

23 A. I may have felt. Yes.

39

1 Q. Did you appeal your termination in any
2 way?

3 A. Yes.

4 Q. And, obviously, you're still
5 terminated. But what do you recall about the
6 appeals process?

7 A. There was a hearing. The State
8 presented -- well, the department presented its
9 information, and my attorney presented his
10 information. And the decision was made.

11 Q. And did that pretty well end your
12 involvement with the troopers?

13 A. Yes.

14 Q. There was no subsequent litigation?

15 A. Not that I recall.

16 Q. I think you would remember if you had
17 sued them?

18 A. Yes.

19 Q. Do you remember your immediate
20 supervisor's name with the state troopers?

21 A. Sergeant Barnes. I believe that was
22 his name.

23 Q. Do you recall his first name?

40

1 A. No.

2 Q. What area were you responsible for?

3 A. I was out of the Eufaula post.

4 Q. And that's where you were the entire
5 time that you were with the state troopers?

6 A. No.

7 Q. What other posts were you out of?

8 A. Selma post.

9 Q. Any others?

10 A. No.

11 Q. Any particular reason you were
12 transferred from Selma to Eufaula?

13 A. I requested.

14 Q. Did it have anything to do with
15 personality or the way you felt like you were
16 being treated?

17 A. No.

18 Q. Eufaula is closer to home?

19 A. Well, that's where home is.

20 Q. So that's why you -- is that why you
21 requested it?

22 A. Yes.

23 Q. That's the only reason?

41

1 A. Yes.

2 Q. When did you make the request from
3 Selma to Eufaula, in relation to time, as far as
4 your termination in '97? Had you worked more
5 time at Eufaula or more time at Selma? That's
6 what I'm trying to figure out.

7 A. More time in Eufaula.

8 Q. Okay. And you recall leaving the
9 Victoryland Police Department about the same
10 time you left the Tuskegee Police Department?

11 A. No.

12 Q. Okay. Tell me where you stayed the
13 longest, because it looks like in '02 -- you
14 left Tuskegee in '02. You started Clayton --

15 A. Yes. But I was still at Victoryland
16 for some point --

17 Q. Okay. You were still at
18 Victoryland --

19 A. -- while I was at --

20 Q. -- after you left Tuskegee?

21 A. Yes.

22 Q. Why did you leave Tuskegee?

23 A. Resignation and took the job with

42

1 Clayton.
 2 Q. You had the job lined up with Clayton
 3 when you left Tuskegee?
 4 A. Yes.
 5 Q. Do you recall what you were paid when
 6 you were terminated from the troopers?
 7 A. I would say -- roughly 31 a year, I
 8 would say.
 9 Q. Do you recall what your combined
 10 income, when you were working at Tuskegee and
 11 Victoryland, was, approximately?
 12 A. 40, I would say, approximately.
 13 Q. Were you satisfied working at
 14 Tuskegee?
 15 A. Yes.
 16 Q. So there were no problems at Tuskegee
 17 that led to you leaving there; is that correct?
 18 A. No -- well, they got a new chief in,
 19 and we didn't quite -- he wanted some things
 20 done that I didn't feel was right. So I
 21 tendered my resignation.
 22 Q. How long did you work under the new
 23 chief?

43

1 A. Maybe six months.
 2 Q. Who was the new chief?
 3 A. Gregory Lee.
 4 Q. And what were the things you didn't
 5 like?
 6 A. Well, the way he actually treated
 7 people.
 8 Q. Employees or citizens?
 9 A. Employees.
 10 Q. For example?
 11 A. Well, the way he talked to you.
 12 Q. Was Chief Lee black or white?
 13 A. He was a black guy.
 14 Q. And, I mean, was that the sole reason
 15 for leaving: The way you were talked to?
 16 A. Well, that and I had a job offer for
 17 Clayton.
 18 Q. Okay. Had you been seeking an
 19 opportunity to move back to Barbour County or --
 20 A. Not initially but I started shortly
 21 after he come to the department.
 22 Q. So you had a job offer from Clayton.
 23 In other words, you wouldn't have left your job

44

1 if you didn't have a job to go to. But as far
 2 as the things that you weren't satisfied with at
 3 Tuskegee -- was primarily the way the new chief
 4 talked to people, you in particular.
 5 A. Well, I guess you could say that I had
 6 applied for that chief position in Tuskegee, and
 7 I guess he felt intimidated by it. But it
 8 just -- it just was something about it, I
 9 guess. I don't know exactly.
 10 Q. When you worked for the troopers, what
 11 were the hours -- what were your -- what was
 12 your shift?
 13 A. Mainly, 2 to 10.
 14 Q. And how were the shifts divided up
 15 among the -- within the state troopers?
 16 A. 6 to 2, 2 to 10.
 17 Q. 6 to 2, 2 to 10, 10 to 6?
 18 A. No. There normally wasn't a third
 19 shift.
 20 Q. So, generally, there was nobody on the
 21 road unless they were called out?
 22 A. Unless they was called out.
 23 Q. Did that change any over -- and I

45

1 don't mean your shift. I mean the shift -- the
 2 hours -- did it change any during your
 3 employment with the troopers? Did they ever
 4 adjust it?
 5 A. Well, they tried 10 to 6, 10 a.m. to
 6 6 p.m.
 7 Q. Well, that's the shift that they just
 8 generally didn't man, though; am I right?
 9 A. No. This was like 10 a.m. until
 10 6 p.m.
 11 Q. All right. Forgive me. Most of the
 12 time you worked there it was 6 a.m. --
 13 A. 6 a.m.
 14 Q. -- to 2 p.m.?
 15 A. 2 p.m.
 16 Q. 2 p.m. --
 17 A. Until 10 p.m.
 18 Q. Until 10 p.m.? And from 10 p.m. --
 19 A. 10 a.m.
 20 Q. Let me finish, first. From 10 p.m.
 21 until 6 a.m., there was usually nobody on that
 22 shift?
 23 A. That's true.

46

1 Q. And at one point, they tried to do it
2 another way, and that's what you were explaining
3 to me. And that was -- you said 10 until --

4 A. 10 a. until 6 p.

5 Q. 10 a.m. until 6 p.m. and then 6 p.m.
6 until what? 2?

7 A. Whatever that -- eight hours.

8 Q. Yeah. Okay. But it was eight-hour
9 shifts?

10 A. Yes.

11 Q. For the entire time you worked for the
12 troopers, you were working eight-hour shifts?

13 A. Yes.

14 Q. Do you recall what the shifts -- did
15 that seem to be a reasonable way to run the
16 troopers? And I'm not talking about
17 personalities. I'm talking about making sure
18 you had officers on the road. Did you ever
19 think anything was wrong with that?

20 A. Personally, well, I didn't like being
21 on call nearly most of the entire month.

22 Q. Being on call during the time period
23 when there was nobody on the shift?

47

1 A. Yes.

2 Q. Okay. But as far as the -- in a
3 perfect world, you would have somebody working
4 all three shifts, I guess is what you're saying.
5 But instead, they had people on call from 10 to
6 2. Am I understanding you correctly?

7 A. Yes.

8 Q. But as far as the shift arrangement,
9 eight-hour shifts, did you think anything was
10 out of the ordinary about that?

11 A. No.

12 Q. Do you recall what the shift
13 arrangements were for Tuskegee?

14 A. I worked an 8 until 4.

15 Q. 8 a.m.?

16 A. Yes. I've worked a 6 p.m. until
17 6 a.m.

18 Q. You worked what, again? Tell me --

19 A. A 6 p.m. until 6 a.m.

20 Q. And I'm talking about when you were
21 just on a full-time basis. Because you worked
22 full time with Tuskegee; right?

23 A. Yes.

48

1 Q. If I understood what you said, you
2 said you had -- at Tuskegee you worked 8 to 4
3 shifts?

4 A. Yes.

5 Q. You had worked 6 p.m. to 6 a.m.
6 shifts?

7 A. Yes.

8 Q. Now, did they change the shift
9 rotations during your employment with Tuskegee
10 from eight-hour shifts to twelve-hour shifts?

11 A. Yes.

12 Q. Do you remember when that occurred?

13 A. I don't recall.

14 Q. Do you remember if most of the time
15 you were employed at Tuskegee you were working
16 eight-hour shifts or twelve-hour shifts?

17 A. I would say eight-hour shifts.

18 Q. And was that what you started with and
19 went to twelve-hour shifts, or was it vice
20 versa?

21 A. Started with eight.

22 Q. Okay. Did they switch to twelve and
23 then go back to eight, by any chance, during the

49

1 time you were there?

2 A. It varied. Some still worked eight,
3 and then some worked twelve.

4 Q. And I realize one of the issues in a
5 larger department is overlapping schedules. But
6 as far as the base schedules go, it was mostly
7 eight-hour shifts when you were there; is that
8 correct?

9 A. For me it was. Yes.

10 Q. And Victoryland you worked part time,
11 but when you did work, did you have a normal
12 shift that you worked?

13 A. You pretty much went in when you could
14 go in. You really didn't have a set shift.

15 Q. Okay. Did they schedule you out a
16 week or a month ahead, or how did that work?

17 A. Really, you would call a day or two
18 before and say, Hey, I can come in at said
19 times. It wasn't a set shift.

20 Q. So it was extremely flexible with
21 Victoryland?

22 A. Yes.

23 Q. And your work at Tuskegee dictated

50

1 what you could do at Victoryland?
2 A. Yes.
3 Q. What about Hurtsboro? Did you get
4 hired on as chief there, or did you get promoted
5 to chief?
6 A. As chief.
7 Q. So the whole time you were there you
8 were the chief; am I right?
9 A. Yes, sir.
10 Q. Do you know what the shift
11 arrangements were -- first, I should back up and
12 ask this: How many employees did you have in
13 Hurtsboro? Full-time first and then part-time.
14 And I'm talking about police officers.
15 A. Two full-time and maybe two part-time.
16 Q. Okay. Do you know what the shift
17 arrangements were before you became chief?
18 A. No.
19 Q. You don't know one way or the other?
20 A. No.
21 Q. Have you heard?
22 A. No.
23 Q. Did you make any changes to the shift

51

1 arrangements when you became chief?
2 A. Well, 6 to 2 and 2 to 10, 10 to 6.
3 Q. And the thing about that is -- do you
4 know if that was already in place, or was that
5 something you felt should be done when you got
6 there?
7 A. I don't know if it was in place or
8 not. They didn't -- they had one guy working.
9 Q. That's a good point. You got hired as
10 chief, and there was one full-time police
11 officer when you got hired?
12 A. Yes.
13 Q. How soon were you able to get a second
14 full-time police officer?
15 A. Within a month, I would say.
16 Q. So you were able to address that, for
17 lack of a better word, shortcoming fairly
18 quickly, and then you had enough people to have
19 shifts?
20 A. Yes.
21 Q. So it sounds like you implemented the
22 three shifts at eight-hour intervals; is that
23 correct?

52

1 A. I guess you could say that.
2 Q. Before you had your second full-time
3 guy during that approximate month, do you recall
4 how you managed your shifts then?
5 A. 6 to 2, 2 to 10, and one of us would
6 catch call.
7 Q. And your part-time guys would just
8 fill in when they could to give the rest of you
9 full-time guys a break from time to time?
10 A. Yes.
11 Q. Who was the full-time officer at
12 Hurtsboro when you were hired?
13 A. Henry Boozer.
14 Q. And who was the second one that you
15 hired?
16 A. Kenneth Lightner.
17 Q. And who was mayor when you were hired
18 at Hurtsboro?
19 A. Kenneth Raley.
20 Q. Was Henry black or white?
21 A. Black.
22 Q. What about Lightner?
23 A. Black.

53

1 Q. And what about the mayor?
2 A. He was white.
3 Q. During your employment at Hurtsboro,
4 did the shifts stay like they were with these
5 eight-hour shifts? Did you ever juggle them and
6 change them back to -- change them to twelve
7 or --
8 A. It stayed eight hours.
9 Q. Your job with Victoryland, did that
10 just sort of come to an end once you got the job
11 at Clayton, or did some event cause you to not
12 work there anymore?
13 A. It come to an end when I got the job
14 with Hurtsboro.
15 Q. Okay. So you kept your Victoryland
16 job until you got your job at Hurtsboro?
17 A. Yes.
18 Q. All right. Your job with the State,
19 what are the requirements as far as your time:
20 When you have to be at work; when can you leave?
21 A. 7 a.m. until 3:30 p.m.
22 Q. And has that been the requirement the
23 entire time you've worked there?

54

1 A. No. It's 8 until 4, but you can
2 request a different time. And that's the time I
3 requested.

4 Q. I understand what you just said. But
5 as far as the hours that you kept, did you make
6 that request upon taking the job or did you work
7 8 to 4 for a while and then request that the
8 hours be adjusted?

9 A. I worked 8 to 4 for roughly 90 days, I
10 would say.

11 Q. Okay. And what's the process for
12 requesting a change in the time that you show up
13 and the time that you leave? What do you have
14 to do?

15 A. You would submit a letter requesting
16 flextime.

17 Q. Is there a guarantee that you get that
18 if you ask for it?

19 A. No.

20 Q. It's something that you ask them to
21 do, but there's no guarantee that you'll get
22 that; correct?

23 A. Correct.

55

1 Q. Had you shifted -- you changed to the
2 7 a.m. until 3:30 p.m. shift -- I'm going to
3 call it a shift -- workday before or after your
4 termination at Clayton?

5 A. Before.

6 Q. Had you received it?

7 A. Yes. I was working it.

8 Q. Okay. So approximately the first 90
9 days you were 8 to 4, and soon thereafter, you
10 were 7 a.m. until 3:30?

11 A. Yes.

12 Q. And let me just make sure I
13 understand. Do you have to work there a certain
14 period of time before you can request flextime?

15 A. I guess you do, but I don't know a
16 specific time.

17 Q. And did I understand you to say that
18 it was 90 days until you switched over to the
19 7 a.m. until 3:30, or it was 90 days before you
20 requested it?

21 A. I imagine I was there about 90 days.
22 Then I started it.

23 Q. So I take it you requested it at some

56

1 point prior to 90 days?

2 A. Yes.

3 Q. Do you recall when you were working at
4 Clayton and Hurtsboro what your approximate
5 income was?

6 A. Approximately 51.

7 Q. And how was that broken down?

8 A. Twenty-seven in Hurtsboro and the
9 remainder in Clayton.

10 Q. So you made a little more at
11 Hurtsboro?

12 A. Yeah. I guess you -- yes.

13 Q. Well, like I said earlier, if you
14 don't know -- but, I mean, the math makes it
15 where --

16 A. Per year, yes.

17 Q. Per hour was it different?

18 A. Whatever that comes up to. Yes.

19 Q. Well, really, you got paid by the
20 hour, or were you salary?

21 A. Salary.

22 Q. At both?

23 A. Yes.

57

1 Q. Okay. That's fine. And what do you
2 get paid at your job with the State?

3 A. I would say 35.

4 Q. Is there an opportunity for overtime
5 with the State?

6 A. No.

7 Q. Have you looked at any other part-time
8 work since leaving -- well, we've talked about
9 Clayton, Hurtsboro, and the State. Do you have
10 any other part-time work now that you do?

11 A. No more than the Reserves.

12 Q. Your military Reserve?

13 A. (Nods head.)

14 Q. Okay. You're not claiming any sort of
15 physical ailment because of your allegations
16 with Clayton; right?

17 A. No.

18 Q. No sort of mental or emotional
19 problems because of your employment situation;
20 am I correct?

21 A. It was emotional. I had to go through
22 an emotional period.

23 Q. As far as any damages, though, that

58

1 you're claiming -- we'll go into those if you
2 are claiming any. That's what I'm trying to be
3 clear about. Do you contend that you suffered
4 emotionally in any sort of way?

5 A. Do I contend that I have?

6 Q. Right now -- how are you right now
7 health-wise, mentally and physically?

8 A. I'm okay right now.

9 Q. And when you talk about emotions, did
10 you ever seek counseling or need treatment or
11 anything because of the allegations in your
12 complaint?

13 A. I guess it depends on what counseling
14 you're referring to.

15 Q. If you're not sure, elaborate on
16 that. If you think that there's -- if you think
17 you may have an answer or you're not sure, tell
18 me.

19 A. Well, I talked to my clergy.

20 Q. Anyone else?

21 A. Friends.

22 Q. All right. But there aren't any
23 hospital bills or records or anything along

59

1 those --

2 A. No.

3 Q. -- lines? Am I correct then -- I want
4 to make sure. You started working with Clayton
5 in '01?

6 A. Yes.

7 Q. In February of '02, you became the
8 assistant chief of the Town of Clayton?

9 A. I don't remember the exact date.

10 Q. In early '02?

11 A. It was early '02.

12 Q. Okay. And while you were the
13 assistant chief for the Town of Clayton, you
14 also served as the police chief for the Town of
15 Hurtsboro?

16 A. Yes.

17 Q. And Hurtsboro is about 30 miles from
18 Clayton?

19 A. I don't know exactly.

20 Q. What's your best estimate?

21 A. I don't have an estimate. I don't
22 know exactly.

23 Q. How many days a week did you drive

60

1 between Hurtsboro and Clayton when you were
2 working for both places?

3 A. I guess five days.

4 Q. Okay. And you're telling me you don't
5 have any estimate of how long a distance it is
6 between the two towns?

7 A. Well, I didn't clock it or time it.

8 Q. Do you dispute that it's approximately
9 30 miles between Clayton and Hurtsboro?

10 A. I don't know.

11 Q. How long did it take you to get from
12 Hurtsboro to Clayton?

13 A. I don't recall, exactly.

14 Q. What's your best estimate?

15 A. 20 minutes, 30 minutes. I don't know
16 exactly.

17 Q. You could get from Hurtsboro to
18 Clayton in 20 to 30 minutes, then?

19 A. That's my guess.

20 Q. That's your guess? And for how many
21 years did you do this?

22 A. Two years.

23 Q. For two years, five days a week,

61

1 approximately?

2 A. Approximately.

3 Q. And the best you can tell me is your
4 best guess is 20 to 30 minutes?

5 A. Yes.

6 Q. Certainly not an hour?

7 A. Certainly.

8 Q. How much ability did you have to
9 control the schedules in Hurtsboro? Did you
10 make the schedules?

11 A. Yes.

12 Q. And as the chief of Hurtsboro, you
13 were able to adjust the schedule so that your
14 responsibilities in Clayton didn't conflict with
15 those in Hurtsboro?

16 A. Yes.

17 Q. Do you recall ever having any problem
18 with the administration of the Town of Clayton
19 or the administration of the Town of Hurtsboro,
20 as far as your schedule and your work, when you
21 were working at those two places?

22 A. I don't recall any.

23 Q. Okay. Now, in 2004 new mayors were

62

1 elected in both towns; right?

2 A. Yes.

3 Q. Do you recall the new mayor's name in
4 Hurtsboro?

5 A. Sandra Tolbert (phonetic), I believe.
6 I'm not sure exactly -- that last part.

7 Q. You're not sure about her last name?

8 A. Right.

9 Q. All right. And what happened there at
10 Hurtsboro after the new mayor was elected, as
11 far as your job goes?

12 A. Well, I tendered my letter of
13 resignation in October of 2004.

14 Q. You tendered your letter in October of
15 2004, but you continued to work until when?

16 A. It was mid-October, if I'm not
17 mistaken. I don't remember exactly. I worked a
18 short time there after I worked my time out.

19 Q. So are you telling me that you never
20 actually worked while -- I'm going to call her
21 Sandra because you're not sure of her last
22 name -- this new mayor -- you never actually
23 worked under that administration?

63

1 A. For a few months I did.

2 Q. Okay. That's what I'm trying to
3 understand. So you did work under that
4 administration --

5 A. Yes.

6 Q. -- a few months? Why did you tender
7 your resignation at Hurtsboro?

8 A. I accepted a job with the State.

9 Q. Were there any problems at Hurtsboro
10 that led to you being -- led to you tendering
11 your letter of resignation?

12 A. I tendered my resignation because I
13 accepted a job with the State.

14 Q. I understand, but you're not answering
15 my question. Were there any problems there at
16 Hurtsboro that led to you tendering your letter
17 of resignation?

18 A. I tendered my letter of resignation
19 because I accepted a job with the State.
20 Hurtsboro is full of problems. Yes.

21 Q. Did you feel that you were going to be
22 terminated?

23 A. No one had talked to me about it.

64

1 Q. But you heard rumors?

2 A. No, I hadn't.

3 Q. Did you have a reason to believe you
4 would be terminated?

5 A. I didn't have any reason to believe
6 it.

7 Q. I mean, I'm just a guy here asking you
8 questions, and you seem a little evasive.

9 A. No.

10 Q. And it may be my imagination. Did you
11 foresee any problems with the new administration
12 that would make it difficult for you to continue
13 working at Hurtsboro?

14 A. I didn't -- it wasn't an option to
15 work and continue my further employment with
16 Hurtsboro.

17 Q. Okay. Explain that to me.

18 A. I was going to remain working in
19 Clayton, and I accepted a job with the State.
20 So I couldn't do all -- one of them had to go,
21 and Hurtsboro offered no benefits. So it was
22 not a question as to which one I would let go.

23 Q. Okay. But there is a reason that you

65

1 decided to seek work elsewhere, and I'm trying
2 to figure out if it had anything to do with any
3 problems, personalities, conflicts, issues at
4 Hurtsboro.

5 A. There was a lot of issues at
6 Hurtsboro.

7 Q. Okay. Well, tell me about them.

8 A. Hurtsboro basically had no money.
9 They had no equipment. They had no benefit
10 plan. They had none of the above. That is
11 Hurtsboro.

12 Q. Did you ever go without being paid?
13 Like, they couldn't fund your paycheck?

14 A. Well, a day or two I did.

15 Q. Did you ever feel like that you were
16 mistreated in any way while you worked at
17 Hurtsboro?

18 A. Well, when I tendered my letter of
19 resignation, they didn't pay me for my
20 accumulated leave.

21 Q. Anything else?

22 A. Comp time. They didn't pay for that.

23 Q. Do you ever feel like because of your

66

1 race that you were treated improperly at
2 Hurtsboro?

3 A. No.

4 Q. Did you ever feel like because you
5 complained about things that you were treated
6 differently at Hurtsboro?

7 A. No.

8 Q. Your problems with Hurtsboro primarily
9 had to do with the financial strength of the
10 community?

11 A. Yes.

12 Q. Not with personalities?

13 A. Well, you always have that, but it
14 wasn't a major issue.

15 Q. Not with the way you were treated
16 outside of the financial issues?

17 A. I wasn't treated any -- they didn't
18 give me anything but it was --

19 Q. And do I understand you to say that no
20 significance should be attached to the fact that
21 a new administration was coming in when you see
22 that your leaving there was close in time to
23 that event happening? Do I understand that

67

1 correctly?

2 A. I didn't see any.

3 Q. Have you heard other people did?

4 A. I don't -- I don't have any knowledge
5 of that.

6 Q. So you don't have any -- that's what
7 I'm asking. And when you answer that way, I
8 think maybe that you know -- that you didn't see
9 any, but since then somebody has told you
10 something.

11 A. Yeah. I hear a lot of rumors about
12 them -- about Hurtsboro. They're having a lot
13 of trouble over there.

14 Q. Any rumors that involve you and your
15 performance as the chief?

16 A. I did hear some rumors.

17 Q. Well, tell me.

18 A. That they had a good chief.

19 Q. After you left or that you were the
20 good chief?

1 A. I was a good chief.

22 Q. Okay. You heard that from the
23 community?

68

1 A. I heard that from the community, and I
2 believe one of the council members may have
3 addressed it in a council meeting.

4 Q. Did the election of a new mayor give
5 you any concern?

6 A. Well, I actually contributed to her
7 campaign -- the new mayor.

8 Q. Okay. That's good. That didn't
9 answer my question, though. Did it give you any
10 concern?

11 A. No.

12 Q. As far as job security goes?

13 A. No.

14 Q. Had you heard any rumor that you were
15 going to be fired, from any source whatsoever?

16 A. I didn't hear any. No, sir.

17 Q. And you didn't believe that was about
18 to happen?

19 A. I didn't.

20 Q. Do you know of anybody that did hear
21 it or did believe it?

22 A. I have no knowledge of that.

23 Q. Not firsthand or hearsay?

69

1 A. Neither.

2 Q. None?

3 A. None.

4 Q. I just wanted to make sure. Okay.

5 Now, you were the chief in Hurtsboro, and you
6 had eight-hour shifts?

7 A. Yes.

8 Q. At the time before the new
9 administration came in, in Clayton, they had
10 twelve-hour shifts; is that right?

11 A. I guess we did have twelve-hour
12 shifts.

13 Q. Well, the new mayor and the new
14 administration changed the shift schedules after
15 taking office; is that correct?

16 A. I guess. I don't know.

17 Q. Do you dispute that?

18 A. Well, we worked a whole lot of
19 different hours.

20 Q. I understand as a police officer you
21 may be called to do that, but, I mean, there's
22 some things -- there's some facts I think we can
23 agree on and move on from there. One of those

70

1 is that the new administration in Clayton
2 changed the shifts, did they not?
3 A. I guess they did.
4 Q. And it was a 7 to 3, 3 to 11, 11 to 7;
5 right? 7 a.m. to 3 p.m., 3 p.m. to 11 p.m.,
6 11 p.m. to 7 a.m.?
7 A. I guess -- I didn't see anything in
8 writing, but I guess they did.
9 Q. Well, I mean, whether it was in
10 writing or not, you know that was done; right?
11 A. I guess.
12 Q. And that's, you know, not the only
13 town that has eight-hour shifts. Once states
14 went to eight-hour shifts, they were certainly
15 not the only one. The town that you made the
16 schedule in, Hurtsboro, had eight-hour shifts;
17 right?
18 A. Yes.
19 Q. In fact, only a brief period of time
20 in your entire employment at the jobs you had
21 prior to Clayton did you ever work a twelve-hour
22 shift; isn't that right? And I'm not talking
23 about being called out. I'm talking about

71

1 scheduled shifts. They were predominantly
2 eight-hour shifts; right?
3 A. Predominant. Yes.
4 Q. Eight-hour shifts are common in law
5 enforcement; right?
6 A. If you want to call it that. I don't
7 know exactly. I know a lot of twelves. I know
8 a lot of tens and eights. I don't know if it's
9 common or not.
10 Q. You know that that's mostly what
11 you've done in your career in law enforcement?
12 A. Yes.
13 Q. So is the problem you're having with
14 the word "common" -- the definition of "common"?
15 A. I guess it would be.
16 Q. Then I'll change it to -- you're
17 familiar with eight-hour shifts?
18 A. I'm familiar with eight-hour --
19 Q. Mostly, that's what you've worked?
20 A. Yes.
21 Q. And there's nothing that you can point
22 to that in and of itself is unreasonable about
23 an eight-hour shift; right?

72

1 A. No.
2 Q. Is that correct?
3 A. That's correct.
4 Q. Now, at the time of the new
5 administration and the time of the transfer to
6 the eight-hour shifts, there were three full-
7 time police officers working for the Town of
8 Clayton; right?
9 A. Correct.
10 Q. And they were you; right?
11 A. Yes.
12 Q. Chief Williams?
13 A. Yes.
14 Q. And Officer Lightner?
15 A. Sergeant Lightner. Yes.
16 Q. Sergeant Lightner? And is this the
17 same Sergeant Lightner that worked for you at
18 Hurtsboro?
19 A. Yes.
20 Q. Did he work full time at both places?
21 A. Yes.
22 Q. So in Hurtsboro you were the chief,
23 and he was in charge -- and you were in charge

73

1 of him?
2 A. Yes.
3 Q. And, of course, at Clayton you were
4 the assistant chief and over him in the chain of
5 command; right?
6 A. Yes.
7 Q. Okay. Is he a friend?
8 A. He's a coworker.
9 Q. I didn't ask that. I said, Was he a
10 friend?
11 A. He's a coworker. I guess that would
12 include a friend.
13 Q. So the answer is yes?
14 A. Yes.
15 Q. Now, Chief Williams, is he black or
16 white?
17 A. He's white.
18 Q. Mr. Lightner is black?
19 A. Yes.
20 Q. Sergeant Lightner. Were there any
21 other full-time officers, from the point that we
22 switched to three-hour shifts, that we're
23 talking about, until --

74

MR. NEWMAN: Three-hour shifts?

MR. DERRICK: I'm sorry. Very good.

Q. Let me scratch that and start all over. From the time the new administration changed to three-hours shifts, we had --

MR. NEWMAN: You did it again. Do you want to take a break?

MR. DERRICK: It might be time. I'm going to try to push on through.

MR. NEWMAN: Okay.

Q. Eight-hour shifts, three full-time officers. And I just listed them. From there until your employment with Clayton ended, were there any other full-time police officers?

A. No.

Q. Prior to the new administration changing the shift arrangements to eight hours, do you recall what the shift arrangements were in Clayton?

A. I don't recall the shift arrangements.

Q. Prior to the time that we're talking about here, when the full-time officers were Williams, you, Lightner, were there any other full-time officers in Clayton, prior to that point in time, that you're aware of during your employment?

A. No.

Q. Okay. So whether we're talking about eight-hour shifts that the new administration brought in or previous shift arrangements, during your employment there, we had those three full-time officers that we're talking about; is that correct?

A. Yes.

Q. Okay. Do you know if Williams held any other job, other than being chief of Clayton?

A. I don't know.

Q. And you know that Lightner did because he worked for you in Hurtsboro?

A. Well, he works in Hurtsboro. Yes.

Q. And you were the chief?

76

A. Yes.

Q. Is it incorrect for me to say that a police officer works for the chief?

A. Yes.

Q. How is that incorrect?

A. That's correct.

Q. Okay. It is correct?

A. Yes.

Q. So my answer was yes. Lightner worked for you in Hurtsboro?

A. Yes.

Q. Do you know of Williams or Lightner working anywhere else?

A. I have no knowledge.

Q. Do you know if either of them, Williams or Lightner, were assistant chiefs at any other towns?

A. I have no knowledge.

Q. Do you know if either of them were chief of police in any other towns, other than, obviously, Williams in Clayton?

A. I have no knowledge of it.

Q. And when the shifts were brought in

75

under the new administration, Williams' shift was 7 a.m. until 3 p.m.; is that right?

A. I don't know which shift the chief worked, really.

Q. Okay. Patterson's shift was 3 p.m. until 11 p.m. That's you; right?

A. Peterson.

Q. I'm sorry. I am going to take a break here in a minute, and I apologize, Mr. Peterson. Your shift was 3 to 11; right?

A. I guess that's correct.

Q. And Lightner's was 11 to 7?

A. I guess that's correct.

Q. I'm just curious what your shift -- did you work at Hurtsboro anytime after these eight-hour shifts were implemented in Clayton?

A. I worked in Hurtsboro for two years.

Q. Well, I think you said already that you did work under the new administration in Hurtsboro for a period of time?

A. Yes.

Q. About how long?

A. A few months. I don't recall the

77

78

1 exact months.

2 Q. Okay. Well, do you recall the exact
3 month that you took your job with the State?

4 A. I accepted the job in October of
5 2004. October the 13th to be exact.

6 Q. When did you report to work there?

7 A. I didn't go until November that same
8 year.

9 Q. Do you remember the date?

10 A. I believe it was the 29th.

11 Q. We have some documents, I think, where
12 you notified Clayton that you were taking the
13 job with the State. Did you notify anyone,
14 prior to the written notice that you gave, that
15 you had a job with the State?

16 A. I talked with the chief back in
17 October.

18 Q. Do you remember anything about that
19 conversation?

20 A. Yeah. He assured me it would not be a
21 problem.

22 Q. And do you recall the details of that
23 conversation?

79

1 A. Not the details but I do remember he
2 assured me that it was not a problem.

3 Q. The fact that you were holding two
4 jobs was not a problem?

5 A. I've always had two.

6 Q. Well, I'm asking you about --

7 A. The fact that I held two jobs and the
8 shift would not be a problem.

9 Q. Okay. Do you remember any details of
10 that conversation at all?

11 A. We had a meeting at the police
12 department. Myself, him, and Sergeant Lightner
13 was present. We discussed my accepting the
14 position. He assured me that there would not be
15 a problem with me working a second job and he
16 would do whatever he needed to do in order for
17 it to happen.

18 Q. Okay. And at the point in time that
19 that statement was said, do you have any reason
20 to doubt that he believed that he was accurate,
21 whether it changed or not? I mean, do you have
22 any reason to believe that he knew that changes
23 were coming when he made that statement?

80

1 A. I have no speculation of that. I just
2 know what our conversation was.

3 Q. All right. What I wanted to know --
4 and then we will take a break. Before you left
5 Hurtsboro but after the shift change in Clayton,
6 whenever you had the 3 to 11 shift -- yeah. The
7 3 to 11 shift -- and Lightner had the 11 to 7
8 shift, do you remember what your shift and
9 Lightner's shifts were in Hurtsboro?

10 A. I believe I had left Hurtsboro then.
11 I left Hurtsboro when I started with the State,
12 and we started that after I started with the
13 State.

14 Q. Okay. Do you remember, then, when you
15 left Hurtsboro what your shifts were -- you and
16 Lightner's?

17 A. I normally would go in at 6 a.m.

18 Q. And work to when?

19 A. 6 to 2.

20 Q. And Lightner would usually go in when?

21 A. I guess two o'clock.

22 Q. Well, I mean, you were the chief.

23 You're telling me you don't know?

81

1 A. I don't remember exactly because
2 sometimes it would fluctuate. Sometimes I would
3 leave early because I get there early, or he
4 would come late because he left late. It
5 just --

6 Q. But, generally, we're talking --
7 generally, then, your shift was 6 a.m. until
8 2 p.m.?

9 A. Generally.

10 Q. And he showed up when you came off?

11 A. Yes.

12 Q. And generally worked eight hours?

13 A. Yes.

14 Q. All right. The City of Clayton would
15 employ part-time officers to help the Town and
16 allow the full-time officers to have occasional
17 days off. They did that when you worked there,
18 didn't they?

19 A. Yes.

20 Q. Normally, these officers are from the
21 sheriff's department or other municipalities; is
22 that right?

23 A. Yes.

82

1 Q. But the Town only had three full-time
2 officers; correct?

3 A. Yes.

4 Q. Clayton, I'm talking about. And you
5 are -- I think you've made it crystal clear, and
6 I just want to move on. It is not that you were
7 not retained by the City of Hurtsboro. You
8 resigned; correct?

9 A. Yes.

10 Q. You accepted a job in October of '04
11 with the State of Alabama. You went to work in
12 November of '04?

13 A. Yes.

14 Q. And, generally, the responsibilities
15 that you have today are about the same that they
16 were then?

17 A. No. I stayed in the office mostly
18 then.

19 Q. Okay. And then you said -- you
20 started in November. The first 90 days you were
21 working 8 to 4, and sometime after about the
22 first 90 days, you changed to 7 to 3:30;
23 correct?

83

1 A. I don't know the exact date and time,
2 but it wasn't long after I started where I
3 started working the flex schedule.

4 Q. Earlier, you said 90 days. Do you
5 think it might have been --

6 A. 90 days. It may have been -- I don't
7 know the exact date, but it was roughly 90 days.

8 Q. And your job is in Montgomery?

9 A. Yes.

10 Q. And how far is Clayton from
11 Montgomery, the way you travel from Clayton to
12 Montgomery?

13 A. I don't know exactly.

14 Q. Approximately?

15 A. In miles I don't -- I don't know
16 exactly.

17 Q. In time?

18 A. An hour, hour and a half at the most.

19 Q. What route did you take to travel from
20 Clayton to Montgomery?

21 A. Various routes.

22 Q. Well, did you have a route that you
23 routinely took when you left work in Montgomery

84

1 heading to Clayton?

2 A. I never did do things routinely. I
3 always just -- I never took the same route most
4 of the time.

5 Q. So when you say "an hour to an hour
6 and a half," some routes may have taken an hour
7 and a half and some routes may have taken an
8 hour?

9 A. Give or take a little bit. Some may
10 have been shorter. Some may have been longer.

11 Q. So it may have taken -- depending on
12 the route you've chosen, it might take you more
13 than an hour and a half to get from Montgomery
14 to Clayton?

15 A. Depending on the traffic.

16 Q. The answer is yes?

17 A. I guess that would be yes.

18 Q. Certainly, as the police chief of
19 Hurtsboro, whatever problems there may have
20 been, you had the ability to control the
21 schedule -- the work schedule; right?

22 A. I made the schedule depending on the
23 manpower.

85

1 Q. You made the schedule in Hurtsboro?

2 A. Yes.

3 Q. You weren't able to make the schedule
4 with the State of Alabama, were you?

5 A. No.

6 Q. Other than being able to adjust your
7 work schedule by an hour -- and, actually, that
8 got you to work an hour earlier, but you really
9 gave them -- it sounds to me like you cut out
10 some lunch, or you ended up having to work an
11 extra half hour in order to earn that flextime.

12 Am I understanding that correctly? Because you
13 go from 8 to 4 and then from -- from 8 to 4 to 7
14 to 3:30. You're only getting off work 30
15 minutes early, and you're getting to work an
16 hour early. Am I missing something there?

17 A. Getting to work an hour early; getting
18 off an hour early -- half an hour early.

19 Q. A half an hour early. So is the
20 trade-off of getting off a half an hour, you had
21 to get to work an hour earlier?

22 A. Yes. I guess if you call it a trade-
23 off. That's -- that's a standard.

86

1 Q. I'm not trying to ask a hard
2 question. I mean, I just want to make sure that
3 maybe you didn't have to -- you got a different
4 lunch period or something else changed. It
5 looks to me like --

6 A. I shortened the lunch.

7 Q. You shortened the lunch --

8 A. Yes.

9 Q. -- when you went from 7 to 3:30?

10 A. Yes.

11 Q. How short?

12 A. Half an hour.

13 Q. Okay. So you go from 8 to 4 with an
14 hour lunch; right?

15 A. I guess that would be 8 to 5. I guess
16 I'm not -- if you're throwing an hour lunch in
17 there.

18 Q. Surely, you know what hours you
19 worked.

20 A. I never really worked a half -- an
21 hour for lunch. I never took an hour for
22 lunch. You don't have to take an hour for
23 lunch.

87

1 Q. So you can adjust -- if you take less
2 time at lunch, you can leave -- you can take it
3 off at the end of the day?

4 A. Yes.

5 Q. That's allowed? The State doesn't
6 care if you leave at 4 or leave at 5, if you
7 adjust your --

8 A. As long as you get it approved.

9 Q. Did you?

10 A. Yes.

11 Q. What did you get approved?

12 A. My flextime.

13 Q. Pretend with me just for a moment and
14 then I'm going to take a break. Pretend with me
15 that you show up there at your job with the
16 State of Alabama. You don't ask for flextime.
17 You just are expected to be at work at a certain
18 time and leave work at a certain time, okay?

19 A. Yes.

20 Q. What would those hours be?

21 A. With an hour lunch, it would be 8 to
22 5.

23 Q. Okay. Why did you say 8 to 4 earlier?

88

1 A. Thinking eight hours.

2 Q. All right. So those first nine
3 months -- I'm sorry -- those first 90 days it
4 was 8 a.m. to 5 p.m. that you were working for
5 the State, before your flextime was approved?

6 A. I guess you could say that. I don't
7 remember exactly.

8 Q. I don't want to say anything. I
9 really want to get it right.

10 A. I don't remember exactly that time or
11 when it changed. That's been some time back.

12 Q. Still playing along with me, okay?

13 A. Uh-huh.

14 Q. If you didn't take a lunch, could you
15 just on your own leave work at 4 from your State
16 job?

17 A. Well, you had to take at least a
18 30-minutes lunch. You had to take that.

19 Q. If you took only a 30-minute lunch,
20 could you just leave at 4:30 whether you asked
21 anybody or not?

22 A. If it was approved.

23 Q. If it wasn't approved?

89

1 A. If it was approved.

2 Q. That's not my question. I'm saying on
3 your own --

4 A. No, you couldn't.

5 Q. -- could you do it? You couldn't,
6 could you?

7 A. No.

8 Q. Okay. Now, you asked about flextime,
9 moving your hours back to 7. Did you ask any
10 approval about changing your lunch period?

11 A. That's all incorporated in the
12 flextime.

13 Q. Well, is there a checklist that you go
14 down and say, I want to come to work early and
15 have a smaller lunch and leave at a certain
16 time, or is it just asking permission to come in
17 earlier?

18 A. There's a policy in place.

19 Q. Are there just two choices: 8 to 5
20 and then 7 to something?

21 A. There may be a third choice. I'm not
22 familiar with it.

23 Q. But it's not like you can sit down and

90

1 just work out any formula you want?

2 A. As long as you stay within that time
3 frame.

4 Q. Something changed at about 90 days
5 into your employment. That's what I think I
6 understand you to say, as far as your hours.

7 A. Yes.

8 Q. Have they changed at all since then?

9 A. No.

10 Q. So today you show up at 7?

11 A. Yes.

12 Q. Today do you take a lunch break?

13 A. Half an hour.

14 Q. Half an hour lunch? And then today
15 you leave work when?

16 A. 3:30.

17 Q. And that's the way it goes every day;
18 right?

19 A. Yes.

20 Q. And that's the way it's gone since you
21 requested that change some approximately 30 days
22 into your employment?

23 A. Yes.

91

1 Q. Before that request you were working 8
2 to 5?

3 A. Yes.

4 Q. Have I missed any of the two -- before
5 the change you were 8 to 5. After the change
6 you're 7 to 3:30. Were there any other work
7 schedules you had with the State?

8 A. No.

9 Q. Did you ever have trouble making it to
10 work on time when you were the chief of
11 Hurtsboro?

12 A. No.

13 Q. After you took the job with the State,
14 you had two full-time jobs; correct?

15 A. Yes.

16 Q. And after you took the job with the
17 State, you couldn't get to work on time to start
18 your shift with the Town of Clayton?

19 A. Depending on what you call "on time."

20 Q. I call on time --

21 A. If I could elaborate?

22 Q. Sir?

23 A. If I could elaborate?

92

1 Q. Feel free.

2 A. The chief approved for me to come in
3 later than three o'clock.

4 Q. When was this approval?

5 A. When I requested outside employment.

6 Q. Well, did you request outside
7 employment or inform them that you were taking a
8 job with the State?

9 A. Well, I gave them a letter as well. I
10 gave them a letter before I ever even started to
11 work for the State.

12 Q. Do you recall --

13 A. Initially, when I informed him, I
14 didn't know any scheduling with the State. I
15 informed him that I had accepted a job. He said
16 it would not be any problem. He would work the
17 schedule so it could work. Once I found out
18 what the scheduling would be, I gave him a
19 written documentation of it. We discussed it,
20 and he said he would work the schedule out,
21 which he did.

22 Q. Okay. Until the new administration
23 came in?

93

1 A. Even after the new administration.

2 Q. Well, until the new administration
3 changed the shift schedules?

4 A. Even after that I continued. He still
5 approved it.

6 Q. I understand. Well, I think I
7 understand what you're saying. You just kept
8 showing up around five o'clock; right?

9 A. It was still approved by the chief.

10 Q. Okay. You understood, though, that
11 the actual shift schedule is what we talked
12 about earlier in this deposition. I mean, you
13 understand that? We've already gone over that;
14 right?

15 A. I understood we was on eight-hour
16 shifts.

17 Q. No, sir. I can go back -- we can read
18 this deposition back, but we've covered all this
19 already.

20

21 MR. NEWMAN: Tell him yes.

22

23 A. Yes.

94

1 Q. You understood that --
2 A. Yes.
3 Q. -- right?
4 A. Yes.
5 Q. Okay. And that understanding --
6 before we take our break -- is that Chief
7 Williams -- actually, you didn't know for sure
8 what Chief Williams' was, but you know yours was
9 3 p.m. until 11 p.m. Lightner's was 11 p.m. to
10 7 a.m. And I think you said you weren't sure
11 about the chief's, but it was 7 a.m. until
12 3 p.m. And you didn't dispute any of that when
13 we went over it a second ago?
14 A. That's correct.
15 Q. All right. So my question was, If you
16 had to be at work at 3 p.m., you were not able
17 to get to work on time because of your State
18 job; right?
19 A. Right.
20 Q. And you continued to try to hold two
21 full-time jobs; right?
22 A. Right.
23 Q. But the schedules just didn't work out

95

1 that way; right?
2 A. That's right.
3 Q. Okay. Did you have to work at your
4 State job on Saturday or Sunday?
5 A. No.
6 Q. Are you aware of any other employees
7 that were police officers that had two full-time
8 jobs that were located an hour to an hour and a
9 half away from Clayton?
10 A. I have no knowledge of that. No.
11
12 (Whereupon, a discussion was held off
13 the record.)
14
15 Q. Can you identify Defendant's Exhibit 1
16 for me? I'll tell you that's the complaint you
17 filed, but do you recognize it?
18 A. No. I haven't seen it.
19 Q. You've never seen that document right
20 there that I handed you, Defendant's Exhibit 1?
21 (Indicating.) That's what started your lawsuit
22 in federal court.
23 A. I haven't looked at it.

96

1 Q. Okay. That's fine. Can you see there
2 while we both read it? I don't have an extra
3 copy. I've got copies of most everything else.
4 Actually, I can find one, but it will take a
5 minute. It's a complaint. It says, This is an
6 action for declaratory judgment, equitable
7 relief, and money damages, instituted to secure
8 the protection of and to redress the deprivation
9 of rights secured through the Civil Rights Act
10 of 1866, as amended by Section 101 of the Civil
11 Rights Act of 1991, and codified as 42 U.S.C.
12 1981, 42 U.S.C. 1983, 42 U.S.C. 2000e, which
13 provide for relief from racial discrimination in
14 employment. I read that correctly, didn't I?
15 A. Yes.
16 Q. Next, it's the jurisdiction. There
17 are two paragraphs there, and that covers the
18 first page of the complaint; right?
19 A. Correct.
20 Q. Those two paragraphs. (Indicating.)
21 Roman numeral III, it's a statement of
22 allegations. It says, The plaintiff is a black
23 male and resident of the Middle District of

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1 Alabama living in Bullock County and over the
2 age of 19. The plaintiff is a certified police
3 officer and was assistant chief of police with
4 the defendant's police department until his
5 termination in 2005. The plaintiff worked a
6 second job, as did white officers. The
7 plaintiff requested that his shift hours
8 accommodate his second job, as was done for
9 white officers. The plaintiff was terminated on
10 May 9th, 2005, allegedly for tardiness and
11 insubordination after he complained that the
12 defendant's conduct was motivated by race. I
13 read the statement of allegations correct;
14 right?
15 A. Yes.
16 Q. And then there's a claim for relief on
17 that page. It's nine paragraphs, and it
18 finishes the complaint. I don't want to read
19 all of that because it's boring stuff, but it is
20 Paragraph 9 through 14 of the document I'm
21 showing you, which is Defendant's Exhibit 1;
22 right?
23 A. Yes.

98

1 Q. Now, you said you haven't seen it.
 2 Feel free to read it. I'm not trying to keep
 3 you from looking at it. I just know that it
 4 makes for boring reading later. The point is,
 5 I'm showing you the complaint in its entirety.
 6 A. Okay.
 7 Q. And while I'm at it, do you see up
 8 here at the first of Defendant's Exhibit 1 where
 9 it's stamped, Received 2006 February 3rd, Debra
 10 Hackett, U.S. Middle District Court -- District
 11 Court Middle District of Alabama. Do you see
 12 that? (Indicating.)
 13 A. Yes.
 14 Q. And can you read the date there?
 15 A. It appears to be February 3rd.
 16 Q. 2006?
 17 A. 2006.
 18 Q. And then I'll tell you, just so you
 19 understand, I filed a document asking for a
 20 little more information, and one was filed. And
 21 that's Defendant's Exhibit 2. Do you see that:
 22 Defendant's Exhibit 2? (Indicating.)
 23 A. Yes.

99

1 Q. Response to motion for a more definite
 2 statement, it says; right?
 3 A. Uh-huh. Yes.
 4 Q. Comes now the plaintiff, Richard
 5 Peterson, and in reply to defendant's motion and
 6 the order of April 18th says as follows:
 7 Plaintiff claims the defendant, acting through
 8 its authorized agent, terminated his employment
 9 because of plaintiff's race, parentheses, black,
 10 and defendant terminated plaintiff's employment
 11 in retaliation for employee complaining that the
 12 failure to accommodate his work schedule was
 13 racially motivated. And Paragraph 3, Plaintiff
 14 intends to assert and prove that both the denial
 15 of accommodation and termination were motivated
 16 by his race, parentheses, black. And it's got
 17 your attorney's electronic signature at the
 18 bottom. Did I read everything correctly?
 19 A. Correctly.
 20 Q. Okay. Now, to my knowledge -- and I
 21 want you to correct me if I'm wrong -- these two
 22 documents contain your complaints in their
 23 entirety against the Town of Clayton. Am I

100

1 correct about that?
 2 A. Correct.
 3 Q. And the reason I ask is I want to --
 4 I've got to defend the lawsuit, and as far as I
 5 can tell, that's what's contained in these two
 6 documents -- is what you're alleging and what
 7 I've got to defend against. So I've shown you
 8 these two documents, and we've gone over these
 9 documents; right?
 10 A. Right.
 11 Q. And those contain your allegations in
 12 this federal lawsuit against the Town of
 13 Clayton?
 14 A. Correct.
 15 Q. Okay. I want to show you what I'm
 16 going to mark as Defendant's Exhibit -- what has
 17 been marked as Defendant's Exhibit 3, okay?
 18 It's a request for production that you, through
 19 your attorney, filed in this lawsuit, okay?
 20 A. Yes.
 21 Q. And you asked for the City to produce
 22 certain documents, your personnel file, and then
 23 the personnel files of some other people. I

101

1 want to go down this list and make sure that I
 2 understand who you are asking about, because I
 3 think that we did a pretty good job of
 4 responding but there were some folks that we
 5 weren't clear on.
 6 First of all, looking at Defendant's Exhibit
 7 3, you only have last names of what you're
 8 calling the personnel files of fellow officers;
 9 right? I mean, it's a small point, but I just
 10 want to make it clear that we don't have first
 11 and last names. We just have first (sic) names;
 12 right?
 13 A. That's correct.
 14 Q. When you have Moore there, who are you
 15 referring to, if you know?
 16 A. I would say Phillip Moore.
 17 Q. And Phillip Moore worked full time for
 18 the Barbour County Sheriff's Department while
 19 you were there at Clayton; is that right -- if
 20 you know?
 21 A. That's correct.
 22 Q. But he only worked part time and
 23 filled in when needed for Clayton; is that

102

1 right?
2 A. That's correct.
3 Q. What's Mr. Moore's race?
4 A. He's white.
5 Q. Next, you have Hammond. Is that
6 William D. Hammond that you're asking about?
7 A. I believe it's Dexter Hammond.
8 Q. Could it be William Dexter Hammond?
9 Okay. That's fine if you don't know.
10 A. I don't know.
11 Q. Is he a person who worked full time
12 for the Eufaula Police Department?
13 A. I don't know where he works at now.
14 Q. When you were there, do you recall
15 what his employment arrangements were?
16 A. I don't recall.
17 Q. Do you know why you wanted his
18 personnel file?
19 A. He did work at Clayton.
20 Q. And that's what I'm trying to get at.
21 He worked at Clayton on a part-time basis and
22 filled in when needed; right?
23 A. Correct.

103

1 Q. So Moore didn't work full time at
2 Clayton. Hammond didn't work full time at
3 Clayton; correct?
4 A. Correct.
5 Q. Miller. Is that J. D. Miller you're
6 asking about?
7 A. Yes.
8 Q. And he worked full time with the
9 Alabama National Guard; is that right?
10 A. That's correct.
11 Q. He worked part time for the Town of
12 Clayton and filled in when needed; is that
13 correct?
14 A. That's correct.
15 Q. How do you pronounce the next name?
16 Camarata, C-A-M-A-R-A-T-A?
17 A. I believe so.
18 Q. Is that William Camarata you're
19 talking about?
20 A. I'm not sure of his first name.
21 Q. Okay. He never worked full time for
22 the City of Clayton, did he? Not full time as a
23 police officer?

104

1 A. I can't recall.
2 Q. Do you contend that he ever worked
3 full time for the City of Clayton as a police
4 officer?
5 A. I can't recall.
6 Q. Therefore, you don't think --
7 therefore, you're not contending that; am I
8 right?
9 A. That's correct.
10 Q. Now, there's no comma there, but I
11 assume it's a typo. Weaver. I don't know -- is
12 it Tim Weaver that you're thinking about, or do
13 you know? Do you know who Weaver is?
14 A. Is that Camarata Weaver together?
15 Q. Well, I don't know. That's why I'm
16 asking -- that's why I'm trying to clear it up.
17 A. I'm not sure of the first name.
18 Q. Assume there should have been a comma
19 there -- because I think that there probably
20 should have been a comma there. I don't know,
21 because there is someone whose last name was
22 Camarata, but the Weaver -- was there an Officer
23 Weaver that ever worked part time for Clayton,

105

1 that you know of?
2 A. I can't recall his first name, but I
3 remember a Weaver.
4 Q. But never a Weaver that worked full
5 time --
6 A. Not that I can --
7 Q. -- for Clayton?
8 A. Not that I can remember.
9 Q. Okay. So you're not claiming that he
10 ever worked full time for Clayton; is that
11 right?
12 A. That's correct.
13 Q. We've talked about Lightner. Frost.
14 Are you talking about Jack Frost?
15 A. I believe that's correct.
16 Q. Okay. Now, Jack Frost is the chief
17 for the City of Louisville; right?
18 A. Yes. That's correct.
19 Q. He only worked part time to fill in
20 when needed at Clayton; right?
21 A. That's correct.
22 Q. He was never a full-time officer at
23 Clayton?

106

1 A. I believe he has been. I don't know
2 the date.
3 Q. When you were there --
4 A. No.
5 Q. During this eight-hour shift period,
6 he was never a full-time officer?
7 A. No.
8 Q. Correct?
9 A. That's correct.
10 Q. And whatever full-time capacity that
11 we're talking about was not -- I mean, it was
12 before you went to work there? I mean, it's
13 something you heard about or something you know
14 for a fact? That's what I'm trying --
15 A. I know he did work there.
16 Q. Sometime in the past?
17 A. Yes.
18 Q. Did he ever work full time when you
19 were working full time?
20 A. No.
21 Q. So it was some years ago that he may
22 have worked full time for Clayton?
23 A. That's correct.

107

1 Q. Do you know that when he was working
2 full time for Clayton whether or not he was
3 working for Louisville?
4 A. I have no idea.
5 Q. Grates, G-R-A-T-E-S. Do you know who
6 that is?
7 A. I don't have a first name.
8 Q. So, I mean, you asked us to produce
9 some personnel files. We've tried, but there's
10 some people that we can't figure out who we're
11 talking about. And I don't know who G-R-A-T-E-S
12 is, and I'm just asking if you do.
13 A. I don't know the first name. There
14 was a lot of them working part time. I don't --
15 I didn't know all of them.
16 Q. I understand that but is there -- when
17 you talk about Grates, is there somebody --
18 A. I can't recall him.
19 Q. Do you even have an independent memory
20 of an officer named Grates?
21 A. I can't recall him.
22 Q. Okay. So the answer is no? You have
23 no independent memory of an officer named

108

1 Grates?
2 A. I can't recall him.
3 Q. Therefore --
4 A. I don't recall him.
5 Q. Okay. Because I don't know of an
6 officer named Grates that was a police officer
7 in Clayton either. But I'm trying to figure out
8 if there's -- if I'm not looking in the right
9 place, and we looked. Hampton. Do you know a
10 first name or anything?
11 A. I don't have a first name.
12 Q. Because I know we already talked about
13 Hammond up there above it. Hampton -- do you
14 have -- when you say "Hampton," are you
15 picturing somebody or do you have someone in
16 mind in particular?
17 A. I can't recall a first name.
18 Q. Okay. Let me back up and don't ask it
19 that way. When we look at this list of people
20 and there's someone named Hampton there, are you
21 thinking of someone?
22 A. I can't recall.
23 Q. Do you understand that I'm trying to

109

1 cooperate with you --
2 A. I understand.
3 Q. And that's fair. I just don't want
4 you to think I'm trying to pick at you. So,
5 certainly, you don't contend that this person
6 named Hampton was ever a full-time police
7 officer with the City of -- with the Town of
8 Clayton; am I right? You do not contend that;
9 am I correct?
10 A. Not during my tenure.
11 Q. Well, do you contend he ever was?
12 A. I don't have no knowledge of that.
13 Q. So you don't make that -- I'm correct
14 that you're not making that claim; right?
15 A. I have no knowledge of it.
16 Q. Okay. You're the one that gave us the
17 list. Do you understand --

18
19 MR. NEWMAN: Well, technically,
20 he didn't prepare that, but it's your
21 deposition. So you can do it the way
22 you want.
23

110

1 Q. Williams. Is that Joshua Williams
2 that you're thinking of, or do you know?
3 A. We have a Chief Williams.
4 Q. That's a good point. Actually, that's
5 an excellent point. Do you know what Williams
6 we're talking about here?
7 A. That's Chief Jamey Williams.
8 Q. Chief Jamey Williams, to your
9 knowledge, only had one full-time job, and that
10 was with Clayton?
11 A. To my knowledge.
12 Q. Daniel. By the way, do you know a
13 Joshua Williams?
14 A. I don't know that first name.
15 Q. Okay. Daniel. Do you know a guy
16 named Williams who worked for the Eufaula Fire
17 Department full time but now works for -- works
18 on ambulances, anyway? He's not a police
19 officer? Does that ring a bell at all? Because
20 I think we may have produced that, thinking we
21 were --
22 A. Hammond.
23 Q. -- responding. Joshua Williams. You

111

1 don't know that guy --
2 A. I can't recall that first name.
3 Q. That's fine. What about this Daniel?
4 Do you know who that --
5 A. I don't know the first name.
6 Q. Well, you don't know the first name.
7 Is there someone in particular that you're
8 thinking of when you see that last name?
9 A. Not in particular.
10 Q. Certainly, there's nobody with the
11 last name Daniel who was a police officer with
12 Clayton, part or full time; am I right?
13 A. I have no knowledge of that.
14 Q. Do you have knowledge of something
15 else about somebody named Daniel -- presumably,
16 last name?
17 A. It could have been. I have no
18 knowledge of it.
19 Q. And the next name: L-E-C-O-M-P-T-E.
20 Who were you asking about there?
21 A. I don't have a first name.
22 Q. Was it possibly Otis?
23 A. I knew an Otis. I can't recall the

112

1 name exactly -- who was a police officer.
2 Q. He worked as a volunteer with the
3 rescue squad; right -- this Otis?
4 A. I did know an Otis. I believe that's
5 it.
6 Q. But the association he had with
7 Clayton was as a volunteer on the rescue squad;
8 right?
9 A. I don't recall exactly.
10 Q. Certainly not as a police officer;
11 right?
12 A. I don't recall.
13 Q. Certainly not as a full-time police
14 officer?
15 A. I don't recall.
16 Q. And if you did recall, you would say
17 yes to my question?
18 A. If I recall.
19 Q. Or if you did and it was wrong, you
20 would tell me? Okay. What about this last
21 one? I guess it's Warr, W-A-R-R. Who is that?
22 A. Michael.
23 Q. Okay. And he works for the sewer

113

1 board and the rescue squad. He does not work as
2 a full-time police officer for Clayton, does he?
3 A. Not to my knowledge.
4 Q. Never has, to your knowledge, has he?
5 A. Not to my knowledge.
6 Q. To your knowledge, what he did was
7 work part time on the rescue squad and full time
8 on the sewer board; is that right?
9 A. I don't know what his status was with
10 the rescue.
11 Q. So all you really know is he had one
12 job, with Clayton?
13 A. Well, I knew he was on the rescue and
14 the sewer board.
15 Q. Okay. Both for Clayton, though?
16 A. Yes.
17 Q. And that's the only knowledge you have
18 about him. Do you know the race of -- the
19 people on this list that you do know -- and I
20 realize we're going back over it. I should have
21 done this when we went -- Moore. Is he black or
22 white?
23 A. White.

114

1 Q. Hammond?
2 A. White.
3 Q. Miller?
4 A. White.
5 Q. C-A-M-A-R-A-T-A, if you know?
6 A. White.
7 Q. Weaver?
8 A. White.
9 Q. We've already mentioned Lightner.
10 Frost?
11 A. White.
12 Q. Grates?
13 A. White.
14 Q. Hampton?
15 A. White.
16 Q. Williams?
17 A. White.
18 Q. Daniel?
19 A. White.
20 Q. Lecompte?
21 A. White.
22 Q. That's L-E-C-O-M-P-T-E. Warr?
23 A. White.

115

1 Q. Okay. You know their races. When I
2 went through every one of them, except Lightner,
3 you seem to recall that they were white. But
4 when I asked you earlier, I thought you didn't
5 even know for sure who some of them were?
6 A. I know Lightner and I was the only
7 blacks there.
8 Q. In the whole town?
9 A. No. They had some on the sanitation.
10 Q. In fact, as far as the police
11 department goes, when you were there, there were
12 three full-time officers. Two were black and
13 one was white?
14 A. Yes.
15 Q. Currently, the chief is black; right?
16 Or do you know who the chief is?
17 A. I don't know.
18 Q. You don't know who the Clayton chief
19 is?
20 A. I've heard, but I don't know any
21 information on it.
22 Q. So you don't know anything about the
23 current makeup of the Clayton Police Department?

116

1 A. No.
2 Q. Is that correct?
3 A. That's correct.
4 Q. This list that we went over -- did we
5 go over any officer who was a full-time Clayton
6 police officer, other than Lightner?
7 A. Williams.
8 Q. Assuming it's Chief Williams; right?
9 And I may have made a mistake with the
10 Williams. Fair enough. Other than Lightner and
11 Williams, are there any full-time police
12 officers listed on this sheet that you're
13 looking at there, to your knowledge?
14 A. Not to my knowledge.
15 Q. Are there any officers who -- are
16 there any police officers -- let me rephrase
17 that. Is there anyone on that sheet who works
18 for Clayton full time and had a job an hour to
19 an hour and a half away that was a separate,
20 different full-time job, to your knowledge?
21 A. Not to my knowledge.
22 Q. Are there any -- is there anyone on
23 that list that you gave me there who requested

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1 accommodations to allow them to work two full-
2 time jobs?
3 A. I don't have any knowledge of that.
4 Q. Anyone there on that list that
5 requested accommodations so they could work two
6 full-time jobs and were denied such?
7 A. I have no knowledge of that.
8
9 MR. DERRICK: Do you want to
10 stop now?
11 MR. NEWMAN: Okay.
12
13 (Whereupon, a lunch recess was taken.)
14
15 Q. Mr. Peterson, you understand you're
16 still under oath?
17 A. Yes.
18 Q. During the break, did you review any
19 documents to refresh your memory?
20 A. No.
21 Q. Would you like to change anything or
22 supplement any of your previous answers?
23 A. No.

118

1 Q. Did you have any discussion with your
2 lawyer about your testimony during the break?

3 A. No.

4 Q. The order that these things are
5 numbered are somewhat -- I hope they'll all be
6 in order when we finish, but I actually
7 apologize for skipping around. I want to go
8 back over your complaint again, document one,
9 that we've talked about.

10 A. Yes.

11 Q. In that document it says that -- in
12 Paragraph 6, Plaintiff worked a second job, as
13 did white officers. What white officers are you
14 referring to in Paragraph 6 of your complaint?

15 A. I didn't prepare that document.

16 Q. That's fine. So is that a mistake,
17 then, in Paragraph 6?

18 A. I didn't prepare it.

19 Q. Okay. Is this statement a true
20 statement -- I'm reading from Paragraph 6 of
21 your complaint -- plaintiff worked a second job,
22 as did white officers?

23 A. Yes, it's true.

119

1 Q. Okay. Tell me what white officers
2 that refers to.

3 A. Some of those officers mentioned
4 earlier: Phillip Moore, Hammond.

5 Q. Phillip Moore?

6 A. Yes.

7 Q. Hammond? And you're not sure of the
8 first name?

9 A. No, I'm not.

10 Q. Does it refer to any other officers?

11 A. There were several officers working
12 there. I don't remember all of the names, per
13 se.

14 Q. Have you told me all of them that you
15 know? Have you told me all of them that you
16 can --

17 A. Frost, Miller, Weaver, Beasley -- I
18 don't --

19 Q. And what you're listing right now is
20 white officers; right?

21 A. Yes.

22 Q. I just want to be clear that you're
23 not listing necessarily white officers -- the

120

1 full sentence here: Plaintiff worked a second
2 job, as did white officers. To your knowledge,
3 did all of these folks work second jobs?

4 A. As far as I know.

5 Q. Do you know for a fact that they
6 worked second jobs?

7 A. As far as I know.

8 Q. And we went over that list already.
9 Is that your full list? I don't want to
10 interrupt your answer.

11 A. I don't recall all of the officers
12 that were there.

13 Q. If the sentence read, The defendant
14 worked a second full-time job, as did white
15 officers -- that is -- I'm changing what it
16 actually says to your circumstance, which is a
17 full-time job at Clayton and a full-time job
18 elsewhere. Do you understand what I'm asking
19 you?

20 A. Yes, sir. I understand.

21 Q. Are there any such officers that would
22 fit -- any such white officers that would fit
23 that, that you know of?

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1 A. I don't have any knowledge of that.

2 Q. Paragraph 7 says, Plaintiff requested
3 that his shift hours accommodate his second job,
4 as was done for white officers. And I
5 understand that you didn't draft that yourself,
6 but that's what the complaint says: Plaintiff
7 requested that his shift hours accommodate his
8 second job, as was done for white officers. Is
9 that a true statement?

10 A. I would say it would be.

11 Q. Okay. Who does that refer to, then?

12 A. Some of those same officers.

13 Q. Well, specifically, who had a
14 second -- who had their shift hours changed to
15 accommodate their second job?

16 A. I would say whomever was working.

17 Q. I need more specific -- do you have
18 any more specific --

19 A. Those same officers.

20 Q. Now, do you know that for a fact, or
21 are you speculating on that?

22 A. I would say if they worked, it had to
23 accommodate their other job, if they had one --

122

1 I would say.

2 Q. Okay. But we're dealing with -- then,
3 we are dealing with speculation on your part;
4 right?

5 A. Would you ask the question again?

6 Q. Yeah. Let me just back up and start
7 from the complaint. Plaintiff requested that
8 his shift hours accommodate his second job, as
9 was done for white officers. That's what I just
10 read, Paragraph 7 of your complaint, okay? Now,
11 the first thing is, when it says "second job,"
12 are you referring to your Clayton job or your
13 State job?

14 A. The other job, if that's pertaining to
15 Clayton.

16 Q. Well, I'm just asking -- when I read
17 the phrase "second job," is that Clayton or is
18 that the State?

19 A. Depending on who that is referring
20 to. If it's dealing with Clayton, it's
21 referring to the other job.

22 Q. Your complaint says, Plaintiff
23 requested that his shift hours accommodate his

123

1 second job, as was done for white officers. In
2 that sentence, is the second job Clayton or the
3 State?

4 A. It was referring to whichever job that
5 stems from.

6 Q. So is the answer you don't know?

7 A. Whichever job it stems from. If it's
8 in reference to Clayton, it's talking about the
9 other job.

10 Q. All right. Plaintiff requested that
11 his shift hours accommodate his second job, as
12 was done for white officers. Tell me the white
13 officers you are aware of who requested that
14 their shift hours accommodate a second job away
15 from Clayton.

16 A. I don't know of their conversation
17 with the chief. I do know they worked there
18 part time with Clayton. I don't know the
19 circumstances of it.

20 Q. And the only knowledge you have is
21 about people working part time with Clayton,
22 whenever you refer to these other white officers
23 that had more than one job; am I right?

124

1 A. Yes.

2 Q. Plaintiff was terminated on May 9th,
3 2005 -- was it May 9th or 19th? It may be just
4 a typo. I'm not sure. I'm not trying to trick
5 you here. I just need to --

6 A. I received a letter dated May 9th.

7 Q. Okay. That's fine -- allegedly for
8 tardiness and insubordination after he
9 complained that the defendant's conduct was
10 motivated by race. What conduct do you contend
11 was motivated by race? The failure to
12 accommodate your job?

13 A. A combination thereof, all the things
14 that happened.

15 Q. Do you contend that the failure to
16 accommodate your schedule so you could work two
17 part-time jobs was done because of your race?

18 A. I believe it was.

19 Q. What do you base that on?

20 A. I was treated differently than white
21 employees.

22 Q. Okay. Elaborate on that for me.

23 A. Same circumstances, be it part time or

125

1 full time.

2 Q. But -- well, finish your sentence. Go
3 ahead.

4 A. They was allowed to work whatever
5 shift that accommodated them. I was not given
6 that opportunity.

7 Q. Now, you said "same circumstances, be
8 it part time or full time." You don't have any
9 examples of people working two full-time jobs,
10 do you?

11 A. I don't have any knowledge of it.

12 Q. They were allowed to work the shift
13 that accommodated them. When you say "they" and
14 "them," specifically, who are you talking about?

15 A. The other officers.

16 Q. All the other officers that ever
17 worked for Clayton? I mean, that's what I'm
18 trying to get at. I think I'm asking a clear
19 question, and I certainly want to make it
20 clearer. But when you say that, surely, you're
21 talking about somebody you know who had someone
22 change their full-time schedule so they could
23 work two full-time jobs. But I don't think

126

1 that's really the case. I don't think any
2 person like that exists; am I right?

3
4 MR. NEWMAN: I think there's
5 some confusion that comes in, and I
6 could be wrong. But when you say "all
7 the other officers that have ever
8 worked for Clayton" --

9 MR. DERRICK: That's fine.

10
11 Q. Let me just try to go back to your
12 sentence. You said -- I wrote it down -- they
13 were allowed to work the shift that accommodated
14 them. Who are "they" and who are "them"?

15 A. Those other officers.

16 Q. Can you list a single person that fits
17 what we're talking about here that was treated
18 differently, as far as their work schedule, than
19 you were?

20 A. What are we talking about? Are we
21 talking about any employment, part or full, or
22 what are we talking about?

23 Q. Okay. Well, let's talk about your

127

1 situation, okay? Your situation is a police
2 officer?

3 A. Yes.

4 Q. Full time with Clayton?

5 A. Yes.

6 Q. Full time with the State of Alabama?

7 A. Yes.

8 Q. Your jobs were at least an hour to an
9 hour and a half travel time apart from one
10 another?

11 A. Yes.

12 Q. You understood that you were scheduled
13 to come in at 3 --

14 A. Yes.

15 Q. -- with Clayton, and your work
16 schedule with the State wouldn't allow that?

17 A. Yes.

18 Q. Is there anybody out there that's
19 similarly situated to you under those
20 circumstances?

21 A. I have no knowledge of that.

22 Q. What makes you think that under those
23 circumstances that I just outlined -- the police

128

1 officer; two full-time jobs; the jobs are an
2 hour to an hour and a half away from each other;
3 expected to show up at 3; can't show up at 3 --
4 that if you had been white, that there would be
5 anything different about what happened?

6 A. That would be mere speculation. I
7 have no knowledge of that.

8 Q. The third paragraph says, Plaintiff
9 intends to assert and prove that both the denial
10 of accommodation and termination were motivated
11 by his race. I'd like for you to tell me what
12 proof you have that the denial of accommodation
13 and termination were motivated by your race.'

14
15 MR. NEWMAN: I'm going to object
16 to the form. Go ahead and answer, if
17 you can.

18
19 A. I was black.

20 Q. Okay. Any other proof or evidence?

21 A. There is no other circumstances, other
22 than race. I don't know of any other
23 circumstance.

129

1 Q. But you've told me all the evidence
2 and proof that you have that it was because of
3 race; right? I can move on from that question?

4 A. That's my belief.

5
6 MR. DERRICK: And now I'd like
7 to clean up my question and address
8 your objection, if you'll tell me what
9 the grounds are for it.

10 MR. NEWMAN: The ultimate
11 decision maker decides what
12 constitutes proof. So your using the
13 word "proof" is inappropriate.

14 MR. DERRICK: Okay. I'm not
15 sure that I agree, but for the sake
16 of --

17 MR. NEWMAN: Well, witnesses can
18 offer evidence.

19 MR. DERRICK: Yeah. That's what
20 I was about to say. I'm not sure that
21 I agree, but that's fine.

22
23 Q. Have you told me all the evidence that

130

1 you have that your denial of accommodation was
 2 motivated by race?
 3 A. The actions by the party involved.
 4 Q. That is the termination?
 5 A. And what led up to it.
 6 Q. Well, sir, that's what we're here
 7 about today. This is my chance to talk to you,
 8 and I'm asking you what evidence you have that
 9 the denial of these accommodations was motivated
 10 by race.
 11 A. My being black -- it's my belief as to
 12 what stimulated this entire situation.
 13 Q. Do you have any other evidence that
 14 the denial of accommodation was motivated by
 15 your race?
 16 A. No more than what will be presented by
 17 my attorney.
 18 Q. Have you told me all the evidence you
 19 have, that you are aware of, that the denial of
 20 this accommodation was motivated by your race?
 21 A. My attorney has that same information.
 22 Q. Good. So your attorney has whatever
 23 information you have, as far as evidence that

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1 the denial of this accommodation was motivated
 2 by race; correct?
 3 A. Yes.
 4 Q. Okay. Now is the time, because you're
 5 under oath and this is my chance to ask you --
 6 A. Yes.
 7 Q. -- for you to tell me if there's any
 8 more evidence, other than what we've already
 9 discussed.
 10 A. The evidence that I presented to my
 11 attorney.
 12 Q. I need to know what that evidence is.
 13 Do you understand that's how this works? And if
 14 you've told me everything, fine. We'll move on
 15 but if there's --
 16 A. I've told you everything.
 17 Q. Okay. Have you told me all the
 18 evidence you have that your termination was
 19 motivated by your race?
 20 A. Yes.
 21 Q. So there's no more evidence -- you've
 22 told me all the evidence there is that the
 23 denial of accommodation and the termination was

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1 motivated by your race?
 2 A. Yes.
 3
 4 MR. NEWMAN: Go ahead and answer
 5 it again. Then we can move on.
 6
 7 A. Yes.
 8
 9 MR. DERRICK: I'm sorry. I
 10 didn't hear --
 11 MR. NEWMAN: I said to him to go
 12 ahead and answer it again so we can
 13 move on.
 14
 15 Q. The next thing I want to show you is
 16 what I've marked as Defendant's Exhibit 7. It's
 17 several pages, but can you generally identify
 18 what this collection is that I've marked as
 19 Defendant's Exhibit 7, for the record?
 20 A. It has Clayton Police Department on
 21 top of it.
 22 Q. And the first few pages have different
 23 officers listed there; correct?

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1 A. Correct.
 2 Q. And you're the second one listed on
 3 the first few pages; right?
 4 A. Right.
 5 Q. And then later in this compilation it
 6 looks like they changed over where each officer
 7 had an individual time sheet; am I right?
 8 A. Yes.
 9 Q. Okay. Now, honestly, Mr. Peterson, I
 10 don't think that you're going to argue with me
 11 about any of this, but because I have this
 12 lawsuit, I've got to take a minute and go down
 13 through this, okay, if you want to follow along
 14 with me. Assuming that you were to be at work
 15 at 3 p.m., okay, on these dates, on December
 16 10th, you were three hours late; is that
 17 correct?
 18 A. That's not my handwriting, but it has
 19 a time in there.
 20 Q. Well, do you dispute that you showed
 21 up that Friday at 6 p.m.?
 22 A. I can't recall.
 23 Q. Do you dispute it?

134

1 A. I don't recall.
2 Q. Okay. Monday the 13th you showed up
3 at 5:20 p.m.; is that correct?
4 A. That's what this document says.
5 Q. Do you dispute that?
6 A. That's not my handwriting.
7 Q. I'm not asking you if it's your
8 handwriting. I'm asking you if you dispute
9 that.
10 A. I don't recall.
11 Q. I mean, it may or may not be your
12 handwriting, but it's a time sheet. Did you --
13 A. I don't recall that far back. That's
14 2004.
15 Q. I'm asking if you have any reason to
16 think that you didn't -- I mean, you didn't show
17 up at 3 during this time period; right?
18 A. I don't recall that far back.
19 Q. Okay. I'm asking you if you have any
20 reason to disagree with this notation, okay?
21 A. Well, I don't recall this time.
22 Q. Was there any way when you were
23 working at the State that you were going to

135

1 leave your job in Montgomery and be at work at 3
2 p.m. in Clayton?
3 A. Would you repeat the question? I
4 didn't understand it.
5 Q. During the workweek, Monday through
6 Friday, whether your shift was from 7 to 3:30 or
7 from 8 to 5, were you -- was there ever a time
8 when you were working at Montgomery that you
9 made it to work at 3 p.m. Monday through Friday
10 once you took the job with the State?
11 A. Yes.
12 Q. Okay. Tell me when those were.
13 A. I don't recall the exact dates, but
14 there was times.
15 Q. How many times?
16 A. I don't recall.
17 Q. More times than not you didn't get
18 there at 3 p.m. You would agree with that?
19 A. I would say.
20 Q. Okay. How were the time sheets filled
21 out when they were of the form that we're
22 looking at on the first page of Defendant's ??
23 Did the officer put the time in, or was there

136

1 someone else there at the department -- or the
2 City that did?
3 A. Normally, the officer would.
4 Q. Not in every case?
5 A. Sometimes the chief may put it in
6 there..
7 Q. Okay. Here's the thing that I'm
8 trying to do -- and I'm honestly trying to be as
9 fair with you as I can be. I don't think that
10 there's any argument that, in fact, you showed
11 up approximately when these times showed, but if
12 there is, I want you to tell me that. And we've
13 got these time records -- date -- week in and
14 week out -- that show when you arrived at work.
15 And why don't you just take a minute and look at
16 all of those pages? And take your time, and see
17 if there's anything there that you dispute, that
18 you think -- that you know is wrong or that you
19 contend is wrong, because not recalling is
20 different than telling me this is not right,
21 this is a mistake, this is an error. And that's
22 what I'm trying to give you an opportunity to
23 do.

137

1 A. (Witness reviewing documents.)
2 Q. Have you had a chance to review them?
3 A. I looked at them. Yes.
4 Q. Is there anything in there that you
5 dispute?
6 A. I can't recall those times, if they're
7 going to be exact or not.
8 Q. I understand that asking someone to go
9 back and say to the minute what they did two
10 years ago, as far as what time they showed up,
11 is difficult to do. But is there anything,
12 having reviewed these, that you observed that
13 you contend is just wrong?
14 A. Not recalling the time, I can't say
15 whether they're true or not -- as far as the
16 time goes that's indicated on them.
17 Q. I hear your answer, but I want you to
18 hear my question, okay?
19 A. Okay.
20 Q. Do you dispute anything that's in
21 Defendant's Exhibit 7?
22
23

MR. NEWMAN: Well, are you --

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1 I'm not sure I understand the
2 question, and I thought I did. He's
3 saying I don't know if it's right or
4 wrong, but you want him to say
5 definitely one way or the other?

6 MR. DERRICK: No.

7
8 Q. If there's something that you contend
9 is wrong -- I understand you're saying you don't
10 know one way or the other. So I take it that
11 there's nothing in here that you're going to
12 argue with me about, that you're going to come
13 up later and say, No, I've looked at those.
14 That's wrong. I mean, they're just time cards.
15 That's all they are, and I think --

16 A. What I am saying is I don't recall
17 those times, to know whether they're right or
18 wrong. That's what I'm saying.

19 Q. Okay. I understand that. So let's
20 just take it one step at a time. When you say
21 "right or wrong" -- I want to move on. You're
22 not prepared to say that every one of these
23 entries is exactly right; correct?

139

1 A. Yes.

2 Q. You're not prepared to say that every
3 one of these entries is exactly wrong?

4 A. Correct.

5 Q. In fact, you're not prepared to say
6 that any of these entries are wrong; right -- am
7 I correct?

8 A. Or right.

9 Q. I understand but answer my question
10 first. You're not --

11 A. I don't recall those times.

12 Q. Okay. Fine. Remembering this period
13 in your life, remembering the two jobs you were
14 working, do the times seem fairly consistent
15 with when you were arriving at work?

16 A. Again, I do not recall those times.

17 Q. I understand that and I understand --
18 let me finish. And I understand that you're not
19 sure how far it is from Hurtsboro to Clayton,
20 and I do not expect you to be accurate within
21 seconds or minutes. But, generally, what these
22 time sheets show is that you generally showed up
23 during the week -- the workweek, Monday through

140

1 Friday, around five o'clock. Am I
2 characterizing these things correctly?

3 A. On some days I did.

4 Q. Monday through Friday, okay?

5 A. On some days, yes.

6 Q. On most days you did?

7 A. On some days.

8 Q. What's the difference between -- why
9 can't you answer my question?

10 A. Because I didn't always arrive at five
11 o'clock. I arrived before five o'clock a lot of
12 days.

13 Q. How much before 5 do you recall ever
14 arriving during the time frame we're talking
15 about, which was from December of '04 through
16 May of '05?

17 A. I don't recall exactly how much time,
18 but I will say these sheets here was manipulated
19 all the time. I will say that.

20 Q. Well, explain it some more to me.
21 What do you mean?

22 A. There was no time clock. There was
23 nobody to keep up with any time. It was written

141

1 in. It was turned in. Integrity played a part
2 in that, but there was no way to exact say what
3 time it was.

4 Q. Okay. But are you differentiating
5 between five or ten minutes difference than
6 what's entered there or two and three hours
7 difference than what's written there?

8 A. I would say that I didn't get there at
9 five o'clock. That's what I would say. I got
10 there before 5, sometimes at 5.

11 Q. Did you normally get there within 15
12 minutes of five o'clock, normally?

13 A. I would say more than 15 minutes.

14 Q. Within 30 minutes of five o'clock,
15 normally?

16 A. I don't have an exact time, exactly.

17 Q. I understand, but you could answer my
18 question when I said 15. What's the difference
19 in when I say 30?

20 A. I really don't recall the exact time,
21 whether it was 15, 30, or 45 minutes. I don't
22 recall the exact time.

23 Q. But Monday through Friday, between

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1 December of '04 and May of '05 -- Monday through
 2 Friday, between December of '04 and May of '05,
 3 you didn't get there at 3; right?
 4 A. That is not correct.
 5 Q. Okay. Why is that not correct?
 6 A. I didn't always work Monday through
 7 Friday. I was off during the week some days.
 8 Q. From which job?
 9 A. From Clayton. Your days rotate.
 10 Q. Okay. Fine. That's fine and that's a
 11 fine point. On days that you worked for
 12 Clayton, on days that you were working Monday
 13 through Friday, between December of '04 and May
 14 of '05, you weren't showing up at three o'clock,
 15 were you?
 16 A. On some days I wasn't.
 17 Q. On almost all days Monday through
 18 Friday you were not showing up at 3; right?
 19 A. I didn't always work Monday through
 20 Friday in Clayton.
 21 Q. I think that's about as clear as I can
 22 make it, and maybe when I go back and read it,
 23 I'm the one that's asking a bad question. I

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1 don't understand what's hard about my question,
 2 but I want to give you every opportunity to
 3 answer it. Here's the only -- let's narrow it
 4 down, okay? I'm not going to ask you about your
 5 work right now on Saturday or Sunday, okay? I
 6 will in a minute, perhaps. All I'm interested
 7 in are the days Monday through Friday, okay?
 8 A. Okay.
 9 Q. That you were expected to work at
 10 Clayton.
 11 A. Yes.
 12 Q. Okay. Between December 10th, '04, and
 13 May 6th, '05, okay?
 14 A. Yes.
 15 Q. Now, do you understand the limitations
 16 I'm putting on my question?
 17 A. Yes.
 18 Q. Do you understand that I'm not asking
 19 you about days when you weren't even expected to
 20 go to work in Clayton?
 21 A. Yes.
 22 Q. Okay. During those days, during that
 23 time period, you didn't show up at three

144

1 o'clock, did you?
 2 A. Some days I did.
 3 Q. Okay. Most days you didn't?
 4 A. I cannot recall.
 5 Q. Okay. Monday -- you can look on your
 6 time sheet if you'd like, or you can just listen
 7 to my question. Monday -- let me back up.
 8 Friday, December 10th, do you remember what time
 9 you came to work?
 10 A. No.
 11 Q. Monday, December 13th, do you recall
 12 what time you came to work?
 13 A. No.
 14 Q. The following Tuesday, do you
 15 remember?
 16 A. No.
 17 Q. The Friday of that week, do you
 18 remember?
 19 A. No.
 20 Q. Tuesday, December 12th, do you
 21 remember?
 22 A. No.
 23 Q. Thursday, December 23rd, do you

145

1 remember?
 2 A. No, I don't.
 3 Q. Monday the 27th, do you remember?
 4 A. No.
 5 Q. Tuesday the 28th, do you remember?
 6 A. No.
 7 Q. Wednesday the 29th, do you remember?
 8 A. No.
 9 Q. Thursday the 30th, do you remember?
 10 A. No.
 11 Q. If time cards clearly show that you
 12 did not show up at 3 on the days that I just
 13 read, would you disagree with those time cards?
 14 A. I don't recall.
 15 Q. Okay. Now I want to move into January
 16 of '05, okay? January 3rd, a Monday, do you
 17 remember what time you came to work in Clayton?
 18 A. No.
 19 Q. Tuesday the 4th?
 20 A. No.
 21 Q. Friday the 7th?
 22 A. No.
 23 Q. Tuesday the 11th?

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1 A. No.
 2 Q. Thursday the 13th?
 3 A. No.
 4 Q. Friday the 14th?
 5 A. No.
 6 Q. Monday the 17th?
 7 A. No.
 8 Q. Tuesday the 18th?
 9 A. No.
 10 Q. Wednesday the 19th?
 11 A. No.
 12 Q. Thursday the 20th?
 13 A. No.
 14 Q. Thursday the 27th?
 15 A. No.
 16 Q. Friday the 28th?
 17 A. No.
 18 Q. Monday the 31st?
 19 A. No.
 20 Q. That's the month of January that I
 21 want to ask you about. Do you dispute that on
 22 the days that I just read in the month of
 23 January you never showed up at three o'clock?

1 A. I don't recall.
 2 Q. Moving to February. Do you recall
 3 when you showed up to work February 3rd, a
 4 Thursday?
 5 A. No.
 6 Q. Friday the 4th?
 7 A. No.
 8 Q. Friday the 11th?
 9 A. No.
 10 Q. Monday the 14th?
 11 A. No.
 12 Q. Tuesday the 15th?
 13 A. No.
 14 Q. Thursday the 17th?
 15 A. No.
 16 Q. Friday the 18th?
 17 A. No.
 18 Q. Wednesday the 23rd?
 19 A. No.
 20 Q. Thursday the 24th?
 21 A. No.
 22 Q. Monday the 28th?
 23 A. No.

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1 Q. If records show that you never showed
 2 up at three o'clock on those dates, would you
 3 dispute those records?
 4 A. I don't recall.
 5 Q. March 1st -- I'm into March now.
 6 March 1st, a Tuesday, do you remember when you
 7 showed up there?
 8 A. No.
 9 Q. March 2nd, a Wednesday?
 10 A. No.
 11 Q. Do you remember being called out on a
 12 burglary in early March of '05?
 13 A. I don't recall.
 14 Q. That's fine. March 7th, a Monday, do
 15 you recall when you showed up for work then?
 16 A. No.
 17 Q. March 8th, a Tuesday, do you recall
 18 when you showed up for work then?
 19 A. No.
 20 Q. Wednesday the 9th?
 21 A. 9th of?
 22 Q. We're in March.
 23 A. I don't recall.

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1 Q. Friday the 11th?
 2 A. I don't recall.
 3 Q. Monday the 14th?
 4 A. I don't recall.
 5 Q. Thursday the 17th?
 6 A. I don't recall.
 7 Q. Friday the 18th?
 8 A. I don't recall.
 9 Q. Monday the 21st?
 10 A. I don't recall.
 11 Q. Tuesday the 22nd?
 12 A. I don't recall.
 13 Q. Wednesday the 30th?
 14 A. I don't recall.
 15 Q. If records show that on the dates I
 16 just read you never showed up at three o'clock,
 17 would you dispute that?
 18 A. I don't recall.
 19 Q. I'm in April. April 4th, a Monday, do
 20 you remember when you showed up for work then?
 21 A. No.
 22 Q. The 5th, a Tuesday?
 23 A. No.

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1 Q. 6th, a Wednesday?
2 A. No.
3 Q. 7th, a Thursday?
4 A. No.
5 Q. Monday the 11th?
6 A. No.
7 Q. Tuesday the 12th?
8 A. No.
9 Q. Wednesday the 13th?
10 A. No.
11 Q. Thursday the 14th?
12 A. No.
13 Q. Friday the 15th?
14 A. No.
15 Q. Monday the 18th?
16 A. No.
17 Q. Tuesday the 19th?
18 A. No.
19 Q. Wednesday the 20th?
20 A. No.
21 Q. Thursday the 21st?
22 A. No.
23 Q. Friday the 22nd?

151

1 A. No.
2 Q. Tuesday the 26th?
3 A. No.
4 Q. Wednesday the 27th?
5 A. No.
6 Q. Friday the 29th?
7 A. No.
8 Q. If the time records reflect that,
9 during the days in April I just read, you never
10 showed up at 3, would you dispute that?
11 A. I don't recall.
12 Q. May the 4th, a Wednesday, do you
13 remember when you showed up?
14 A. No.
15 Q. The 5th, a Thursday?
16 A. No.
17 Q. The 6th, a Friday?
18 A. No.
19 Q. The three dates I just read in May, if
20 records reflect that you did not show up at 3,
21 would you dispute that?
22 A. I don't recall.
23 Q. Okay. Now, time records reflect that

152

1 on Saturday and Sunday, generally, you showed up
2 at three o'clock or very near three o'clock.
3 Can you explain the difference between the
4 Saturday and Sunday times that you showed up and
5 the Monday through Friday times that you showed
6 up?
7 A. Well, I don't recall the times Monday
8 through Friday.
9 Q. Do you recall getting to work earlier
10 on the weekends than you did Monday through
11 Friday?
12 A. I really don't recall the time frame,
13 what time I got to work, even on the weekend. I
14 can't recall those dates.
15 Q. When you say "you can't recall" -- I
16 really want to move on, but I'm surprised that
17 we're arguing over these time sheets, because I
18 thought that, truthfully, that was not much of
19 an issue. But, apparently -- well, scratch
20 that. Let me just ask it this way: When you
21 say "you don't recall," are you testifying under
22 oath that you don't recall specifically to the
23 minute or that, for all you know, there could

153

1 have been a two-hour swing in the time that's
2 reflected on these sheets versus the time that
3 you actually showed up?
4 A. I don't recall the exact time I showed
5 up.
6 Q. Okay. You do recall, though, that
7 Monday through Friday you very rarely showed up
8 at 3 if you were expected to work at all in
9 Clayton during this window of time we're talking
10 about; right?
11 A. I don't remember what time I actually
12 got to work.
13 Q. I didn't ask you that. I asked you
14 about three o'clock; and you know that you
15 didn't show up at three o'clock on Monday
16 through Friday on the days that you were
17 expected to work in Clayton in the time frame
18 that we're talking about, from December to May.
19 That's a true statement, isn't it?
20 A. I would say sometimes I did. I don't
21 know the exact times.
22 Q. Under what circumstance were you
23 showing up at 3 Monday through Friday, between

154

1 December '04 and May of '05? If, in fact,
2 sometimes you did, tell me how that came to
3 happen.
4 A. It just worked out that way, I guess.
5 I don't have any specifics.
6 Q. It would have to have been that you
7 left your job with the State earlier than you
8 were supposed to or that you were off on that
9 day; am I right?
10 A. I don't know. It could have been. I
11 don't know the specifics.
12 Q. Is there any other explanation you can
13 think of?
14 A. I don't have any specifics.
15 Q. You understand that's what I'm -- you
16 understand the purpose of this deposition today;
17 right?
18 A. I understand.
19 Q. And you're answering as truthfully and
20 candidly as you can with me today; right?
21 A. Yes.
22 Q. And for all you know, you might have
23 been showing up to work at three o'clock Monday

155

1 through Friday during the months of December
2 '04, January '05, February, March, April, and
3 May of '05? Are you testifying to that under
4 oath?
5 A. I'm testifying that I don't recall the
6 exact time.
7 Q. Do you understand the difference
8 between me asking you for an exact time to pull
9 out of the air and me referencing a specific
10 time; that is, three o'clock? Do you understand
11 there's a difference between me asking you about
12 3 and me asking you about a specific time just
13 completely from memory?
14 A. I do understand that.
15 Q. Do you understand I don't expect you
16 to be exact to the minute? Do you understand
17 that?
18 A. I understand.
19 Q. Okay. Do you understand that I'm now
20 asking you about getting to work at or near --
21 and when I say "near," within 15 or 20 minutes
22 of three o'clock -- do you understand that's
23 what I'm asking you about?

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1 A. Yes.
2 Q. Monday through Friday, when you were
3 expected to work at Clayton, you rarely ever
4 showed up when you were supposed to, at 3 p.m.;
5 right?
6 A. I don't recall the times. That's what
7 I'm telling you. I don't recall the exact time.
8 Q. Okay. Let me ask it this way: You
9 tell me how I can ask this question more clearly
10 that will make it --
11 A. I don't know how you can -- I don't --
12 I don't have any idea.
13 Q. Have you understood my question?
14 A. I understand your question, and that
15 is my response.
16 Q. And that's going to remain your
17 response all day, I think; am I right?
18 A. That is my true response.
19 Q. Do you recall ever having a discussion
20 with Mayor Rowland about the fact that you were
21 not getting to work on time?
22 A. I don't recall that. I don't recall
23 it.

157

1 Q. Do you recall Mayor Rowland making
2 several attempts to discuss that issue with you?
3 A. No, I don't.
4 Q. Do you recall Mayor Rowland advising
5 you that you needed to choose one full-time job
6 over the other full-time job?
7 A. I don't recall it -- that part of it.
8 No, I don't.
9 Q. Can we do this to keep from being here
10 all day long -- because in my mind, there's a
11 difference between you not recalling something
12 and you saying that it's not true, okay? And as
13 long as you say that you don't recall, I'm going
14 to take that to mean that you just don't
15 remember one way or the other. Now, are we on
16 the same page when you say, "I don't recall"?
17 A. I don't remember.
18 Q. See, you're not even answering my
19 question.
20 A. Yes.
21 Q. Yes -- tell me what you just answered
22 yes to so I can be sure.
23 A. To your question.

158

1 Q. And what was that?

2 A. Ask your question.

3 Q. No. I want to make sure that you
4 understand what -- I want to make sure you
5 understand it, and then we can move on pretty
6 quickly.

7 A. Well, ask it again.

8 Q. Okay. In this deposition, when you
9 say, "I don't recall," I am assuming that you do
10 not dispute the statement that I'm making in the
11 question and that if you believe it's not true,
12 that you're going to make that clear to me,
13 okay?

14 A. I hear you. Yes.

15 Q. I know you hear me, but you're not
16 answering me. Is that fair?

17
18 MR. NEWMAN: Was that a
19 question?

20 MR. DERRICK: Yes. Absolutely,
21 it's a question.

22 MR. NEWMAN: Because I don't
23 even hear a question in that. I hear

159

1 a statement.

2 MR. DERRICK: Well, it's a
3 question. That's what I'm doing. I'm
4 asking him questions.

5 MR. NEWMAN: I heard a
6 statement.

7 MR. DERRICK: Well, it's not.
8 Take me for my word. I'm asking
9 questions here today. That's what I'm
10 doing. That's why we're here.

11
12 A. Okay. If you would, ask the question
13 again.

14 Q. Okay. During this deposition, when
15 you say, "I don't recall," I will assume that
16 you are not disputing what I'm asking you about
17 one way or the other. I will assume that you
18 don't remember one way or the other. Is that
19 fair?

20 A. I would say --

21
22 MR. NEWMAN: Is it fair that you
23 made that assumption?

160

1 Q. We've got to -- we're sitting here all
2 day, and you're saying, "I don't recall." And
3 as long as you mean by that you simply don't
4 remember, I'm happy to move on. But if you're
5 saying that maybe -- that later you're going to
6 come back and argue that something that I'm
7 asking you did not happen -- let me just start
8 all over. If anything I ask you, you contend
9 didn't happen, I want you to make it clear to me
10 that your position is that that did not happen.
11 It's a simple thing I'm asking you. Do you
12 understand what I'm asking you to do?

13 A. If I don't recall it, I can't say
14 whether it did or didn't happen.

15 Q. And as long as we're clear on that,
16 we'll move on. But what I don't want later --
17 for us to go back and me ask you the same
18 questions and you're disputing that these things
19 were said or done, okay? For example, you
20 showed up to work sometime, and the fact that
21 you don't recall doesn't change the fact that
22 you showed up to work sometime. That's
23 something we can -- I'm trying to figure out

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1 what the minimal thing is that we can agree on,
2 okay? And I'm happy to go down the rest of
3 these questions, and you say you don't recall,
4 if that's, in fact, accurate. But I want to
5 make sure in your mind, when you say, "I don't
6 recall," that you are not -- that you are simply
7 saying you have no memory one way or the other
8 and that you're not disputing the fact that I'm
9 asking you about in the question, okay?

10
11 MR. NEWMAN: That's fair.

12
13 Q. Your lawyer says it's fair. Do you
14 understand?

15 A. Yes.

16 Q. You think it's fair? All right.
17 Mayor Rowland informed you that it was
18 acceptable for you to work full time with the
19 State and part time with the Town of Clayton,
20 didn't he?

21 A. I don't recall that conversation
22 either.

23 Q. Mayor Rowland explained to you and

162

1 informed you that it was acceptable for you to
2 work part time with the State and full time with
3 Clayton, didn't he?

4 A. I don't recall that.

5 Q. But Mayor Rowland explained that it
6 was important for you to get to work on time,
7 didn't he?

8 A. I don't recall that.

9 Q. Okay. You know that if you have a job
10 it's important to get to work on time; right?

11 A. I understand that.

12 Q. Have you ever had to counsel or --
13 have you ever had to counsel any of the people
14 that worked in Hurtsboro, when you were an
15 officer there -- when you were the chief there,
16 for not being to work on time?

17 A. No.

18 Q. Have you ever, in any of your
19 employment responsibilities, had to counsel or
20 correct employees who didn't get to work on
21 time?

22 A. I don't remember.

23 Q. Have you ever had to fire anybody?

1 A. No.

2 Q. Never in your job has that been a
3 responsibility?

4 A. No, I haven't.

5 Q. In your job with the State, do you
6 have people that you manage or supervise?

7 A. No.

8 Q. When you were in Tuskegee, did you
9 have people in your chain of command underneath
10 you that you were responsible for?

11 A. Yes.

12 Q. Did you expect them to get to work on
13 time?

14 A. Yes.

15 Q. Do you recall any of them ever not
16 getting to work on time?

17 A. I don't recall it.

18 Q. Tell me every discussion you can
19 remember with the mayor about getting to work on
20 time -- the mayor of Clayton.

21 A. I don't remember a discussion.

22
23 MR. NEWMAN: You're referring to

164

1 Mr. Rowland?

2 MR. DERRICK: Yeah. I mean, I
3 actually kind of left it open, but I
4 am actually referring to Mr. Rowland.

5
6 A. I don't remember a discussion he and I
7 had.

8 Q. Tell me any discussion you remember
9 with the former chief -- Williams? That's his
10 name?

11 A. Yes.

12 Q. -- about you getting to work on time.

13 A. I didn't have a conversation with the
14 former chief.

15 Q. Tell me any conversation you had with
16 any representative of the City about the need
17 for you getting to work on time.

18 A. I don't recall having a conversation
19 with anyone.

20 Q. Tell me any discussion or conversation
21 you had with any employee of the City of Clayton
22 that related to you getting to work on time.

23 A. I don't recall a conversation.

163

1 Q. Do you contend that from January of
2 '04 through May of '05 that you were always on
3 time getting to work for Clayton?

4 A. From when?

5 Q. The time that we've been talking
6 about: December of '04 --

7
8 MR. NEWMAN: Well, you first
9 said January.

10 MR. DERRICK: Did I really? I
11 apologize. It's my fault.

12
13 Q. December of '04 -- I'm talking about
14 December of '04, January of '05, February,
15 March, April, and early May of '05, okay? Do
16 you contend that you got to work on time every
17 day during those periods for Clayton?

18 A. It depends on the time -- what the
19 time was.

20 Q. Not the way I'm asking the question it
21 doesn't. I'm not asking you about a single time
22 at all. I'm just asking about your contentions
23 about getting to work on time.

165

166

1 A. I got to work when I was authorized --
2 at the time I was authorized to get there.

3 Q. And you're talking about some
4 conversation you had early in -- prior to
5 December '04 with the chief about -- before you
6 took the new job; right?

7 A. Even up to May 19th.

8 Q. So your position is you were to
9 work -- just so we're clear -- and then we'll
10 move on -- your position is you made it to work
11 on time during this time period we're talking
12 about?

13 A. In accordance to the chief's
14 approval. Yes.

15 Q. Not according to the schedule that you
16 were given; right?

17 A. I never received a schedule.

18 Q. Okay. Then, where did this thing that
19 we talked about before lunch come from, when I
20 asked you about your shift?

21 A. I guess it come from the mayor. I
22 don't know. We never received a schedule.

23 Q. I didn't ask if you received something

167

1 in writing. You knew that your shift started at
2 3, did you not?

3 A. I knew the shift was 3 to 11. Yes.

4 Q. Now, are you testifying here today
5 under oath that you got to work at three
6 o'clock, when your shift started, during these
7 months that we're talking about, every time?

8 A. I imagine some days I didn't. I don't
9 remember the times.

10 Q. Do you recall being asked to attend a
11 council meeting so the issue of your work
12 schedule could be further discussed?

13 A. Yes.

14 Q. Tell me what you remember about that,
15 about being asked to attend the council --

16 A. Well, I was given a letter.

17 Q. Okay. And you didn't attend the
18 meeting; right?

19 A. I do recall going to a meeting.

20 Q. You went to a meeting, but do you
21 recall the first time that you were asked to
22 attend the meeting?

23 A. I can't recall that first time. I

168

1 don't have a date.

2 Q. Okay. We'll come back to that. Do
3 you recall ever being asked to attend a meeting
4 and deciding not to attend the meeting of the
5 council to discuss your work schedule and your
6 employment situation?

7 A. I requested not to attend a meeting.
8 That's the only one I know of.

9 Q. By the way, I want to go back and ask
10 this, and I want you to listen to my question
11 carefully because I don't want this to be a
12 complete waste of our time, okay? Do you deny
13 that Mayor Rowland advised you that you needed
14 to choose one full-time job over the other full-
15 time job? Do you deny that?

16 A. I don't recall that conversation.

17 Q. Do you deny that Mayor Rowland
18 informed you that it was acceptable for you to
19 work full time for the State and part time for
20 the Town of Clayton?

21 A. I don't recall that.

22 Q. Do you deny that he told you that?

23 A. I don't recall it.

169

1 Q. Do you deny that he told you that it
2 was acceptable for you to work part time with
3 the State and full time with Clayton?

4 A. I don't recall that conversation.

5 Q. Do you deny that he said it was
6 important for you to report to work on time?

7 A. I don't recall that conversation.

8 Q. As the chief of Hurltsboro, did you all
9 have meetings among your officers?

10 A. I guess we did. I don't know.

11 Q. When meetings were called, did you
12 expect your officers to attend if they were
13 asked to attend?

14 A. Yes. If there was a meeting.

15 Q. You recall, I think you said, being
16 asked to attend a meeting and informing or
17 asking that you not be required to attend. I
18 may be misstating it. Am I saying that right?

19 A. Yes.

20 Q. Why did you, after being asked to
21 attend, then turn around and ask not to attend?

22 A. It was a spur-of-the-moment type
23 thing. The meeting was like the next day. So I

170

1 wanted time to consult with an attorney in
2 reference to the subject matter. I submitted a
3 letter to the mayor to that fact. He saw me
4 later and said that I didn't have to attend the
5 meeting. He saw me at a service station in
6 Clayton.

7 Q. You recall that conversation?

8 A. I recall that conversation.

9 Q. After you were terminated, do you
10 recall appealing your termination?

11 A. Yes.

12 Q. And do you recall that the decision
13 was upheld by the Town council?

14 A. Yes.

15 Q. Do you recall that being on May 19th,
16 2005?

17 A. Yes.

18 Q. Have you told me all of the white
19 employees that you know of who had their
20 schedules accommodated?

21 A. As far as I know.

22 Q. And none of those were full-time
23 Clayton police officers; right?

171

1 A. I have no knowledge of that part of
2 it.

3 Q. And none of those had two full-time
4 jobs that they were juggling the schedule on;
5 right?

6 A. I have no knowledge of that.

7 Q. And none of them had jobs that were an
8 hour to an hour and a half between each other;
9 correct?

10 A. I have no knowledge of that.

11 Q. The only three full-time police
12 officers in Clayton when you were there were
13 you, Williams, and Lightner?

14 A. Yes.

15 Q. Now, was Lightner full time with
16 Hurtsboro also?

17 A. Yes.

18 Q. And as far as you know, Williams' only
19 job was with Clayton?

20 A. I have no knowledge of it. I don't
21 know.

22 Q. You don't know of any other full
23 time --

172

1 A. I don't know.

2 Q. -- right?

3 A. I have no information on it.

4 Q. You told me all of the reasons that --
5 all of the evidence you have to support your
6 allegation that you were retaliated against,
7 that you know of?

8 A. Yes.

9 Q. I'm sorry. I may be repeating myself,
10 but how many people were in the chain of command
11 at Hurtsboro underneath the chief? How many
12 officers, full or part time, while you were
13 there?

14 A. Four to five.

15 Q. And you expected them to show up to
16 work on time; right?

17 A. Yes.

18 Q. Regardless of their race; right?

19 A. Correct.

20 Q. Regardless of their responsibilities;
21 right?

22 A. Correct.

23 Q. Habitual tardiness is not something

173

1 that you would allow as the chief of Hurtsboro,
2 is it?

3 A. I didn't have that problem.

4 Q. If you had that problem, it would need
5 to be addressed, would it not?

6 A. I could only speculate.

7 Q. If you had an employee that you
8 expected to be at work at a certain time and
9 over 60 percent of the time they were not at
10 work on time, despite your instructions to the
11 contrary, would you consider that to be a sign
12 of insubordination to you?

13 A. I could only speculate to that. I
14 didn't have those circumstances.

15 Q. Go ahead and speculate.

16 A. If an officer came to me as chief and
17 needed a flexible schedule and I agreed upon it,
18 it wouldn't be a problem as chief.

19 Q. What if the City government -- the
20 governing body changed things after you had done
21 that?

22 A. I'm still the chief.

23 Q. So you can veto and override the mayor

174

1 and City council?

2 A. Well, if I'm the chief and I make a
3 decision to work with an officer, I'll explain
4 that to the mayor and council. Yes.

5 Q. And if they have a policy and they
6 change the policy, what happens then?

7 A. Change the policy in reference to
8 what?

9 Q. Time.

10 A. Well, that goes two ways. If you're
11 going to expect a certain time and an ending
12 time, when you run short, what do you do? So
13 all of that would be put on the table to them.
14 With a small department, where you've got one or
15 two people working, it's hard to maintain a
16 schedule and a set shift when you don't have
17 people to work. It's flexible. We work like
18 that all the time. We may be scheduled to come
19 in at 3 and work until 11, but we work until one
20 and two o'clock because we were short.

21 Q. But what you're describing is not day
22 in and day out. You're describing problems that
23 arise from time to time because of small work

175

1 forces; right?

2 A. In Clayton that was most of the time.

3 Q. Therefore, having someone there to be
4 able to come in and fill in is very important;
5 right?

6 A. Well, a lot of times --

7 Q. What was wrong with my question? I
8 mean, what you're talking about is having a
9 small work force and having officers available
10 at odd hours that may not fit into their
11 schedule perfectly; right? Is that not what you
12 were just talking about?

13 A. If that be the case.

14 Q. I'm asking you -- if that be the case
15 what? That doesn't even make sense --

16 A. To your question.

17 Q. Okay. Then, can we agree that small
18 towns with small police forces need greater
19 flexibility than some large towns, as far as
20 having people available to work at times outside
21 of their given shift? I think that's what I
22 heard you say.

23 A. Yes.

176

1 Q. Okay. And there was no way that you
2 were going to be able to come in, if the need
3 arose, working a full-time job an hour to an
4 hour and a half away? That was just not going
5 to happen between the hours of approximately 7
6 to 3 -- 7 a.m. to 3 p.m.; right?

7 A. Could you repeat the question?

8 Q. Sure. If you're at a full-time job in
9 Montgomery between the approximate hours of 7
10 and 3 or 7 and 3:30, there's no way that you
11 could be there whenever -- if the need arose in
12 that time period, between 7 a.m. and 3 p.m.,
13 Monday through Friday; right?

14 A. There was some days that I was.

15 Q. And those days were days that you were
16 not at work in Montgomery --

17 A. Yes.

18 Q. -- obviously; right?

19 A. Yes.

20 Q. I'm talking about days that you were
21 at work in Montgomery.

22 A. That's correct.

23 Q. I mean, it presented a problem.

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1 That's not so hard. Having two full-time jobs
2 and one of them being an hour and a half away
3 and you being a police officer -- the assistant
4 chief of police presented a problem. At a
5 minimum, we can agree to that; right?

6 A. I disagree.

7 Q. I'm shocked. But tell me why.

8 A. Because it had been done for nearly
9 four years. I worked two full-time jobs before
10 I started the State.

11 Q. 30 minutes -- approximately 30 minutes
12 from Clayton; right?

13 A. I don't have an approximate time.
14 Depending on what you're talking about.

15 Q. Are you talking about your Hartsboro
16 to Clayton -- your Hartsboro and Clayton jobs?

17 A. Yes.

18 Q. Is that what you're saying? That's
19 what you're talking about? And you were the
20 chief of police of Hartsboro?

21 A. Yes.

22 Q. So you could leave Hartsboro if you
23 needed to, to go assist in Clayton, and make

178

1 changes to the schedule under those -- if that
2 situation required it; right?

3 A. Well, I did.

4 Q. Not only could you, but you did it?

5 A. Yes, I did.

6 Q. Okay. You couldn't do that as a State
7 employee working fixed hours in Montgomery. I
8 mean, that's different than being chief of
9 police of Hurtsboro and scheduling the times and
10 being able to adjust the times and being able to
11 call people in to cover; right?

12 A. Yes. That's correct.

13 Q. When we look at what happened to you
14 with two full-time jobs, one of those full-time
15 jobs being the assistant chief of police in
16 Clayton, there aren't any employees that you
17 know of that worked for Clayton that you could
18 compare your situation to; true?

19 A. I don't understand the question.

20 Q. Okay. Tell me what you don't
21 understand and I'll clean it up.

22 A. If you would repeat it?

23

179

1 MR. DERRICK: Okay. Read it
2 back.

3
4 (Whereupon, the last question was read
5 back by the court reporter.)

6
7 A. Well, I don't have any knowledge of
8 everybody's circumstances. So I can't agree or
9 disagree with that.

10 Q. Do you have knowledge of anyone who
11 had a job situation similar to yours? By that,
12 I mean a police officer with a full-time job in
13 Clayton, another full-time job anywhere in any
14 area, nearly as far away as Montgomery, that we
15 can compare to your situation.

16 A. I don't have any knowledge of that.

17 Q. Do you even know during the time that
18 you worked in Clayton how many total full-time
19 employees the Town of Clayton had outside of the
20 police department?

1 A. I don't -- I don't know.

22 Q. Do you know anyone who had --
23 anyone -- full time or part time, okay --

180

1 regardless of whether they were a police officer
2 or not, that had a job with Clayton and had a
3 second job that was an hour to an hour and a
4 half away from Clayton?

5 A. I have no knowledge of that.

6
7 MR. DERRICK: Let's take a
8 little break and then we'll go through
9 these documents. And we'll probably
10 be about through.

11 MR. NEWMAN: Okay.

12
13 (Whereupon, a short recess was taken.)

14
15 Q. Have you made any efforts to look for
16 any second job, in addition to your State job,
17 since your termination at Clayton?

18 A. Yes.

19 Q. Tell me about those efforts.

20 A. Well, I've put in an application in
21 Clio, Alabama, same area, just south of Clayton.

22 Q. Okay. Any other applications?

23 A. With Bakerhill Police Department.

181

1 Q. Is that it?

2 A. Well, I've submitted some different
3 applications through the State, just various
4 departments.

5 Q. That would be to transfer?

6 A. Yes.

7 Q. And you understand that with the State
8 that you would stop doing what you're doing and
9 go to a different State job; right?

10 A. Yes.

11 Q. Were you looking for full or part-time
12 work with Clio?

13 A. Well, it varies in reference to the
14 schedule. That's what I discussed with them.

15 Q. And do you remember when you put in
16 the Clio application?

17 A. I don't recall exactly -- the exact
18 date, but it's been -- it's been a period of
19 time.

20 Q. Do you recall when you put in your
21 application with Bakerhill?

22 A. I don't recall the exact date.

23 Q. How far did that get? Did you get to

182

1 an interview, or, I mean, was it just -- I mean,
2 was it a --

3 A. In Clio I talked to the chief of
4 police.

5 Q. And are either one of those still
6 possibilities, or do you know one way or the
7 other?

8 A. Well, the chief gave me some
9 information about the job, per se, and my
10 coming.

11 Q. And is that still on the table?

12 A. Well, if I could elaborate, I would.

13 Q. Please do. I don't know that I've
14 ever told you not to elaborate.

15 A. Okay. The chief of police said the
16 mayor of Clio was concerned about the situation
17 with Clayton. So he didn't want to bring me on
18 with that situation -- had happened or going on.

19 Q. Is that all you recall about that
20 conversation --

21 A. That's pretty much --

22 Q. -- as far as your job with Clayton?

23 A. That pretty much was it. The chief

183

1 did recommend me. The mayor just had a problem.

2 Q. So have we covered all efforts that
3 you've had to find a second job?

4 A. Yes.

5 Q. I'm going to show you what I've marked
6 as Defendant's Exhibit 4. This is something
7 that was submitted -- it's your calculation of
8 damages. I think the Court ordered it. I'm not
9 exactly -- yeah. The Court ordered it. Take a
10 look at that for a second. (Indicating.)

11 A. Yes.

12 Q. Does that accurately reflect the
13 damages that you claim in this lawsuit?

14 A. Well, I submitted some numbers to my
15 attorney. I imagine he prepared that document.

16 Q. I mean, these are all yours and your
17 lawyer's. I'm just asking if that's accurate.

18 A. I guess it would be.

19 Q. I'm curious about the entry number
20 one, which is depletion of savings, \$8,200.

21 Elaborate on that a little bit for me, please.

22 A. Because of the loss of my income from
23 Clayton, I had to make it up somewhere else. So

184

1 I had to utilize my savings to cover up when the
2 loss came from Clayton.

3 Q. And that's really just -- general
4 living expenses is what we're talking about?
5 That's a question.

6 A. Well, living, child support, all of
7 those things.

8 Q. Has that number kind of leveled out,
9 though, or did that represent your entire
10 savings?

11 A. Well, I'm still having to.

12 Q. Okay. Have you earned any other
13 income from any other sources at all since your
14 termination at Clayton, other than your State
15 job?

16 A. Military.

17 Q. Okay. And tell me one more time -- I
18 apologize. But when did you say you started
19 back with your Reserve work?

20 A. I believe -- it was September 30th,
21 2002, I believe.

22 Q. Okay.

23 A. Exact.

185

1 Q. All right. Do you recognize that
2 document? (Indicating.) I've marked it as
3 Defendant's Exhibit 5.

4 A. Yes.

5 Q. I sent it to you November 2nd. Do you
6 see where it says -- I have it highlighted on
7 the one I'm looking at. Do you see there at the
8 bottom where it says November the 2nd --

9 A. Yes.

10 Q. -- 2005, is when this letter was
11 mailed to you? Do you remember when you
12 received it in the mail?

13 A. I don't remember the exact date.

14 Q. Okay. It was a Wednesday -- the 2nd
15 was a Wednesday.

16 A. Okay.

17 Q. Do you recall -- and it was mailed to
18 6417 County Road 30 -- Number 23, Union
19 Springs. That was your address on November 2nd;
20 right -- 2005?

21 A. That was the mailing address. Yes.

22 Q. That's where you got your mail?

23 A. Yes.

186

1 Q. And do you recall receiving it on
2 Thursday, November 3rd?
3 A. No. I don't recall that.
4 Q. Do you recall at all when you received
5 it?
6 A. It may have been that following
7 Monday. I don't remember exactly when I
8 actually got it. It may have been that
9 following Monday.
10 Q. Which would have been November 7th?
11 A. If that's that date.
12 Q. Okay. If Monday -- if November 7th is
13 on a Monday, that would be --
14 A. I may have gotten it out of the box
15 that day. I don't recall the exact, but I know
16 I didn't get it on the 3rd.
17 Q. On the 2nd?
18 A. On the 2nd -- that's on here.
19 (Indicating.)
20 Q. You're pretty sure you didn't get it
21 on the 3rd?
22 A. I'm almost positive of that.
23 Q. Is it possible you got it on the 4th?

187

1 That would be a Friday.
2 A. To my best recollection, it would have
3 been the first part of that following week.
4 Q. I want to show you what's marked as
5 Defendant's Exhibit 8. Have you ever seen that
6 before? (Indicating.)
7 A. No. I don't recall that.
8 Q. You don't remember ever looking at
9 this document before?
10 A. I don't recall looking at that.
11 Q. That's fine. Just look at it with me
12 for a second. Do you see at the top? It says,
13 Town of Clayton Council Meeting, Council
14 Chambers, December 13th, 2004.
15 A. Yes. I see that.
16 Q. Okay. Do you see about midway down
17 the page where it says, Reports from department
18 heads?
19 A. Yes.
20 Q. Do you see where it says, Chief of
21 Police Jamey Williams stated that he had a
22 sheriff deputy working part time due to being
23 one man short?

188

1 A. Yes. I see that.
2 Q. Chief Williams stated that Assistant
3 Chief Richardson had taken a job --
4
5 MR. NEWMAN: Peterson.
6
7 Q. -- Richard Peterson had taken a job
8 with the State of Alabama?
9 A. I see that.
10 Q. And as far as you know, that's a
11 correct statement; right?
12 A. I have no knowledge of this
13 document --
14 Q. I'm not asking you about the document.
15 I'm asking about the contents --
16 A. Yes. I had taken a job with the
17 State.
18 Q. And look down at the bottom of that
19 page with me, if you would, and tell me if
20 there's anything that's inaccurate, to your
21 memory, about this paragraph, as we read it
22 sentence by sentence. And, again, I understand
23 you may have not seen it before.

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1
2 MR. NEWMAN: You're referencing
3 the last paragraph --
4 MR. DERRICK: I'm just going to
5 go --
6 MR. NEWMAN: -- on the first
7 page?
8 MR. DERRICK: Yeah. Right.
9
10 Q. In the minutes it says, Mayor Rowland
11 stated he sent Richard Peterson a letter to
12 attend the council meeting and added Richard
13 Peterson to the personnel committee to bring up
14 to council. Do you dispute that he sent a
15 letter asking you to attend that December 13th
16 meeting? I'm just asking if you dispute it or
17 not.
18 A. I don't recall it.
19 Q. Sure. It goes on to say, Mayor
20 Rowland reported on November 9th -- on November
21 29th, '04, Richard Peterson started full-time
22 work with the State of Alabama and the week
23 prior the Clayton Police Department went to

190

1 eight-hour shifts. Do you dispute what's stated
2 in that sentence? Is that an accurate
3 statement?

4 A. Up to the point of November 29th,
5 2004. I don't have any knowledge about this
6 other part or when it was.

7 Q. Okay. You don't have any --

8 A. In reference to this eight-hour shift
9 thing, I have no knowledge of when that started
10 or when it --

11 Q. You agree that you started work
12 November 29th, '04. As far as when the eight
13 hours started, you don't know one way or the
14 other; right?

15 A. I did start with the State on November
16 29th.

17 Q. Mayor Rowland stated the day Richard
18 Peterson took the job with the State of Alabama
19 he reported to work for the Town of Clayton
20 around 5 or 6 p.m. and he worked only five hours
21 on November 30th, 2004 -- it's a poorly written
22 sentence -- he worked only 4.5 hours, December
23 1st, 2004, four hours December 2nd of 2004, 4.5

191

1 hours -- as far as the time that you worked on
2 those dates that are referenced, do you dispute
3 that?

4 A. I have no knowledge of that.

5 Q. One way or the other? And is there
6 any way that you -- is there anything that you
7 could look at to gain any knowledge about the
8 accuracy of that?

9 A. I don't know. I don't have anything.

10 Q. I'm just asking you -- let me finish
11 this. Continuing, Mayor Rowland stated that
12 Richard Peterson only worked 14 hours in a four-
13 day period and should have worked 24 hours. Do
14 you dispute that?

15 A. Only to the point I don't recall ever
16 working just 14 hours in a week's period.

17 Q. Mayor Rowland stated Richard Peterson
18 called in to be off on December 3rd, 2004. Do
19 you dispute that?

20 A. I don't recall that.

21 Q. And then on the weekend Richard
22 Peterson had drill, and December 6th, 7th was
23 his days off. Then on Wednesday he came in and

192

1 worked four hours. Do you dispute that?

2 A. I don't recall that.

3 Q. Thursday worked four hours. Do you
4 dispute that?

5 A. I don't recall that either.

6 Q. Mayor Rowland stated Richard Peterson
7 had been working for the Town of Hurtsboro and
8 was now working for the State of Alabama. You
9 don't dispute that, do you?

10 A. No, I don't.

11 Q. Okay. Mayor Rowland stated he had no
12 problem with Richard Peterson working outside,
13 as long as it did not interfere with his job
14 with the Town council. Now, of course, that is
15 a report of what happened at the council
16 meeting, and you weren't there. But do you
17 dispute that Mayor Rowland has said that?

18 A. I have no knowledge of it.

19 Q. Sure. Mayor Rowland stated that
20 Richard Peterson was not working full time at
21 the Town of Clayton and that he told Richard
22 Peterson he had -- it says "to" but it probably
23 should be "the" -- option of working with the

193

1 State full time and the Town part time or
2 working with the Town of Clayton full time or
3 the State part time. Do you dispute that you
4 were told that?

5 A. I have no knowledge of that
6 conversation.

7 Q. Is there anything you could look at to
8 help refresh your memory of any such
9 conversation?

10 A. Not that I know of.

11 Q. And the same thing -- let me just
12 briefly go back. We spent a lot of time asking
13 about -- talking about these time sheets and
14 your disputing -- and your saying that you don't
15 recall. Is there anything that you could look
16 at that would help you recall the answer to my
17 question about when you showed up at work during
18 this time period that we were discussing in
19 these time sheets? I'm talking about
20 Defendant's Exhibit 7.

21 A. Nothing that I know of.

22 Q. Okay. Let me show you -- well, we
23 might can streamline some of this. Let me show

194

1 you -- can you identify Defendant's Exhibit 9?
2 Generally, can you just identify what that
3 document is?

4 A. A letter from me to the council and
5 the council pro tem.

6 Q. Do you remember drafting that letter?

7 A. I recall writing the letter. Yes.

8 Q. I'm just going over this briefly.

9 This letter is to serve a formal complaint of
10 grievance against Mayor Shug Rowland. Below is
11 a list of complaints and allegations of
12 incidents that leads to my having no other
13 alternative except to take this action. I feel
14 that it's in my best interest to take this
15 action at this time because it appears that
16 Mayor Rowland's intentions are racially
17 motivated. And do you know -- what evidence do
18 you have that what he had done up until January
19 11th was racially motivated?

20 A. No more than the information I've
21 given to my attorney.

22 Q. And you've given me. And you've
23 shared all of that --

195

1 A. Yes.

2 Q. -- information with me here today;
3 right?

4 A. Yes.

5 Q. And then it goes -- the complete
6 sentence says, Racially motivated, politically
7 motivated and he's clearly using his position as
8 mayor to accomplish his intended goals. What
9 political motivation are you talking about?

10 A. Some of the people he dealt with
11 concerning me. Some of the things that
12 happened.

13 Q. Well, tell me what you're talking
14 about.

15 A. Well, the incident concerning the now
16 City attorney for Clayton. He had an incident
17 of a stolen vehicle. I investigated the
18 incident. Had no evidence, no suspects. But
19 the mayor came to me and wanted me to make an
20 arrest of a young man, who the evidence clearly
21 did not point to that. I don't know what the
22 basis was for making this arrest, but I refused
23 to do it.

196

1 Q. Okay. And, ultimately, that young man
2 was indicted by the grand jury?

3 A. Yes. I guess.

4 Q. Well, I thought I read something where
5 you stated that in some document.

6 A. As far as I know, he was.

7 Q. Do you recall the young man's name?

8 A. Last name Gilbert (phonetic).

9 Q. That's all you remember?

10 A. That's all I can remember at the
11 moment.

12 Q. Now, what efforts did you make to
13 investigate this?

14 A. Well, I actually processed the
15 vehicle. I attempted to interview that young
16 man. Just a normal criminal investigation. I
17 followed all the leads that I had, which led
18 nowhere. It certainly didn't lead to that young
19 man. I attempted to interview him, and because
20 of his mental capacity at the time I tried to
21 interview him, I couldn't even interview him.
22 He couldn't even respond to his Miranda rights.

23 Q. And how do you judge the inability to

197

1 respond to the Miranda rights?

2 A. Because I read them and I tried to
3 explain them to him. He never acknowledged
4 anything. He just -- he never acknowledged
5 anything as far as his rights. He never
6 waived his rights, any of that.

7 Q. And then what did you do?

8 A. I stopped the interview.

9 Q. And then what did you do, as far as
10 investigating this alleged crime?

11 A. Well, I went back and talked to the
12 victim of the crime and explained to them where
13 I was in the investigation, which was leading
14 nowhere. Apparently, that didn't satisfy them.

15 Q. Do you know how it came from -- and
16 did you do anything else, as far as
17 investigating --

18 A. Well, I processed the vehicle to look
19 for any -- any evidence. There was none. I
20 tried to locate any witnesses. There was none.
21 Just run into a dead end.

22 Q. Do you know what the current status of
23 that criminal prosecution is?

198

1 A. I understand the grand jury indicted
2 him, and he may have been sentenced. I don't --
3 I don't have any knowledge of it -- the actual
4 circumstances of it.

5 Q. Okay. Now, you have a list of
6 complaints and allegations you have listed
7 here. December 12th, 2004 -- whenever you use
8 that -- is that at or -- do you mean that to be
9 at --

10 A. At.

11 Q. -- or about? (Indicating.)

12 A. At.

13 Q. At 10 p.m. I, Assistant Chief Richard
14 Peterson, was threatened and harassed by Mayor
15 Shug Rowland. Tell me what you're talking about
16 as far as December 2nd, '04, at 10 p.m., if you
17 recall.

18 A. That was my first conversation with
19 Mayor Rowland.

20 Q. About what?

21 A. Well, he came into the police
22 department about ten o'clock that night, and he
23 came in threatening. That was my first

199

1 conversation I ever had with him.

2 Q. The first time you had ever spoken to
3 the man in your life?

4 A. The first time we had ever had a
5 conversation, December 2nd at 10 p.m.

6 Q. When you say "threatening," what did
7 he say that was threatening?

8 A. He came in, and he threatened to take
9 away my rank as assistant chief, to take away my
10 compensatory time that I had accumulated, to
11 take away my job.

12 Q. Did he say why?

13 A. Well, he didn't -- not to me. I guess
14 that's what he wanted to do.

15 Q. Y'all were talking -- was he
16 talking --

17 A. He was talking. I was listening. He
18 made his -- what he was going to say --

19 Q. Okay. Well, let me back up and ask --
20 tell me everything you remember Rowland saying
21 to you December 2nd, 2004, at 10 p.m.

22 A. Well, he came in, and he said that I
23 would not be the assistant chief. He also said

200

1 that he was going to take away my compensatory
2 time. He also said that I would not be working
3 full time with the Town of Clayton, and he later
4 got to the part about this young man -- that I
5 would arrest him and let the Court decide
6 whether or not he was mental.

7 Q. Is that everything you remember about
8 that conversation?

9 A. That's everything I can remember right
10 at this particular moment.

11 Q. All right. Do you know why he made
12 the statements he did about not being assistant
13 chief? Did he explain -- did he elaborate on
14 any of that?

15 A. No. But I had heard rumors.

16 Q. Okay. What rumors had you heard?

17 A. That people thought I was the chief of
18 police.

19 Q. From whom did you hear these rumors?

20 A. Well, I heard it from the chief.

21 Q. The current chief told you that there
22 were rumors on the street that you, in fact,
23 were the chief?

201

1 A. Not the current chief at that time.
2 Chief Williams.

3 Q. Okay. Have you told me everything you
4 remember about December 2nd, 2004, as far as any
5 conversation you had in the presence of or with
6 Mayor Rowland?

7 A. That's pretty much it. He did most of
8 the talking, but those were the basic topics of
9 his discussion.

10 Q. Next, you list December 10th, 2004, at
11 9:30 p.m. I was harassed on the job by Mayor
12 Rowland after a home Barbour County basketball
13 game.

14 A. Yes.

15 Q. Tell me everything you remember about
16 that.

17 A. It was roughly 9:30 p.m. I was
18 actually working. I received a call from the
19 chief that the basketball game was over -- and
20 this is a black school -- and that the -- the
21 school children was accumulating at the Beeline
22 store there in Clayton on North Midway Street
23 and they was -- had loud music and creating a

202

1 ruckus. He said he had received a complaint in
2 reference to that.

3 Now, I was sitting there at the time he, and
4 I was talking on the phone. It was a cell
5 phone. I know that wasn't going on. As we
6 conversated, Mayor Rowland pulled up, parked
7 across the street facing the store. He didn't
8 get out. He didn't make a conversation with me,
9 but he sat there and just -- he sat there
10 looking in that way. Several of the young men
11 there at the store -- they got irritated about
12 it, and they started to get irate. I had to
13 actually get out and calm them because they
14 started towards him. So he really liked to have
15 enticed a riot by doing that. There was no
16 cause for it, other than it was a black
17 situation. There was no cause for it. I know
18 the situation that I received a phone call on in
19 relationship to there being a ruckus. I was
20 sitting there because I knew they was going to
21 come there after the game. That didn't happen.

22 Q. Have you ever in your history of
23 police work had to deal with a ruckus after a

203

1 basketball game or football game?

2 A. Yes.

3 Q. That happens; right?

4 A. Yes. It happens.

5 Q. And what I think I -- Mayor Rowland
6 drove up to the Beeline?

7 A. He drove up to the Beeline.

8 Q. In the Beeline parking lot or across
9 the street?

10 A. No. He parked across the street at
11 the dentist office.

12 Q. So he pulls into the dentist office?

13 A. Yes.

14 Q. He didn't get out of the car?

15 A. No.

16 Q. He sat there?

17 A. Sat there.

18 Q. Okay. Have you told me everything
19 there is to tell me about December 10th, 2004,
20 as far as the harassment on the job that you
21 contend happened by Mayor Rowland?

22 A. No. Well, he drove to the building
23 right next to the Beeline. He sat there. Then

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1 I believe the chief pulled up beside his
2 vehicle. They talked. The chief left. Shortly
3 thereafter, I drove off because a vehicle came
4 through at a rather high rate of speed. I
5 pulled off, stopped the vehicle down the road
6 near the center of town on a back street. And
7 as I made contact with the vehicle, the mayor
8 pulled up, riding by real slow. He didn't say
9 anything, but he rode by just looking. Yes.

10 Q. Is that it, as far as the harassment
11 you received by Mayor Rowland on December 10th?

12 A. Yes. As far as I can remember.

13 Q. Next, you have December 12th, 2004, at
14 3 p.m. I was given a letter that was meant to
15 intimidate me as well as to belittle me by
16 reducing my rank to Officer Richard Peterson.
17 Tell me about that.

18 A. Well, I was the assistant chief of
19 police. That was -- that was a known thing,
20 when the mayor even took office. And it's not
21 common to refer to you anything other than what
22 you are. I was the assistant chief of police,
23 and I think he intentionally wrote that letter

205

1 as Officer Peterson, just as in that newspaper,
2 that council thing. He never once referred to
3 me as Assistant Chief Peterson -- Richard
4 Peterson. I'm still the assistant chief of
5 police.

6 Q. But it was the way you were addressed,
7 not the content of the letter that you are --
8 that you're referring to, as far as this
9 December 12th letter; am I right?

10 A. Well, the address made the contents
11 not proper. Yes.

12 Q. I understand but that's -- the problem
13 you had is that he referred to you as Officer
14 Peterson instead of Assistant Chief Peterson?

15 A. There was an intent there. Yes.

16 Q. Okay. But is that everything about
17 that letter that you have a problem with?

18 A. As far as I can recall.

19 Q. Okay. I'll tell you this. We
20 represent a lot of police officers, and I just
21 need to know that. And I apologize if I've
22 misspoke, because to me, an officer is an
23 officer. That covers things, but it's not an

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1 offensive thing. But I understand now that what
2 you're saying is -- okay. Is this the letter
3 you're talking about? It's dated -- it's not
4 exactly -- this is dated the 9th rather than the
5 12th. Is that the one you're talking about?
6 (Indicating.)

7 A. Yes. That could be the letter. It do
8 refer to me as Officer Richard Peterson. I
9 believe that could be the letter.

10 Q. And it's within a few days of the
11 12th. I mean, it's dated the 12th. I don't
12 know when you received it. So it could be --
13 and it's marked as Defendant's Exhibit 31.

14 A. Uh-huh.

15 Q. And it says, Date: December 9th,
16 2004. To: Officer Richard Peterson. From:
17 Mayor Shug Rowland. Regarding: Discuss current
18 employment status. As mayor of the Town of
19 Clayton, I would like to request your attendance
20 at the council meeting on December 13th, 2004,
21 at 6 p.m. Did I read it completely and
22 entirely?

23 A. Yes.

207

1 Q. Okay. And in your mind, this was --
2 Defendant's Exhibit 31 was an attempt to
3 intimidate you?

4 A. Of course.

5 Q. And to belittle you?

6 A. Yes.

7 Q. Next, you have December 13th, 2004.
8 In an attempt to continue his intimidation,
9 several untrue statements were listed in the
10 Clayton Record quoted as Mayor Rowland
11 statements. You brought --

12 A. I don't know if that's the paper or
13 not. There's several of them.

14 Q. And I don't know that I have them all
15 either. Do you recall, specifically, what was
16 in the paper you're talking about here in this
17 letter?

18 A. I don't recall the exact substance of
19 that. I don't recall.

20 Q. Number five, December 14th, 2004, at
21 8:15 p.m. I was subject to more of Mayor
22 Rowland's harassment and intimidation. That's
23 December 14th, 2004, at 8:15 p.m. What were you

208

1 talking about there?

2 A. That's where he saw me at the -- one
3 of the local convenience stores in Clayton. He
4 spoke in reference to that council meeting and
5 that I shouldn't have talked to Councilman
6 Beasley and just -- he approached me in an
7 unwanted manner.

8 Q. Well, that's why I need you to tell me
9 everything that you recall about that day.

10 A. This conversation was about the
11 council meeting and that I shouldn't have talked
12 to the council member about it because the
13 council member is the one who told me that I
14 didn't have to attend the meeting. And I sent a
15 letter in reference to that.

16 Q. So you never actually spoke to the
17 mayor or the governing body as a whole about not
18 attending; is that right?

19 A. I sent the mayor a letter.

20 Q. Okay. After you spoke to one of the
21 council members?

22 A. I guess -- I spoke to -- gave the
23 council members and the mayor a letter. All of

209

1 them got the same letter.

2 Q. Have you told me everything you
3 remember about December 14th, 2004?

4 A. As far as I can remember.

5 Q. December 15th, 2004, 12:55 a.m. Now,
6 I just want to make sure I'm understanding you.
7 12:55 a.m., that's in the middle of the night?

8 A. After midnight.

9 Q. Okay. I, again, was subject to Mayor
10 Rowland's harassment. Tell me what you recall
11 about that.

12 A. Well, I would call it stalking because
13 he was riding around that time of morning,
14 pretty much following me around as I patrolled.
15 There was no cause for it. He didn't say
16 anything to me, but I actually physically saw
17 him, looked at him.

18 Q. Anything else?

19 A. No.

20 Q. January 10th, 2005, at 7:45 p.m. I
21 was once again subjected to Mayor Rowland's
22 harassment. Tell me what you recall about that.

23 A. I can't call the exact circumstances.

210

1 I believe this is going to be where I actually
2 caught him stalking, along with one of his
3 friends, and gave chase to him. They attempted
4 to elude me. We went over 25 miles at over 75
5 miles an hour on a dark county road, two-lane
6 highway. I believe that's going to be the
7 incident. January 10th.

8 Q. January 10th?

9 A. Yes.

10 Q. 7:45 p.m.?

11 A. Yes. It was dark.

12 Q. You gave chase to the mayor and one of
13 his friends?

14 A. Uh-huh.

15 Q. Now, how is that harassment on his
16 part?

17 A. Okay. Because they was stalking me.
18 But when they drove up, they wasn't aware that I
19 was aware of what they was doing. And when they
20 popped up, I was waiting on them. They realized
21 it. They turned around and hightailed it, and I
22 gave chase to them.

23 Q. Okay. Let's take it one at a time,

211

1 then. What were they doing before you gave
2 chase?

3 A. They was coming to my area where they
4 had no business even being -- in that area where
5 I was. It was not in the downtown area. It was
6 off the roadway. It was in an area where they
7 had no business being. They was out of place.
8 But they thought it was unexpected to me, but I
9 was waiting on them.

10 Q. Okay. Were you on duty?

11 A. Yes.

12 Q. What area was this that these two men
13 had no business being?

14 A. Well, it was County Road 53. It was a
15 young lady that I knew, a friend of mine -- she
16 lived in that area. And I guess their thinking
17 was that I was there, but I wasn't there. I was
18 waiting on them to come there because they had
19 been seen in that area before that.

20 Q. Before that day?

21 A. Before that day. Yes.

22 Q. Okay. They were on a county road?

23 A. County Road 53.

212

1 Q. But they weren't in anybody's yard or
2 house? They were --

3 A. They didn't quite make it.

4 Q. All I'm saying to you is that when you
5 saw them doing what you call stalking, they were
6 in a vehicle?

7 A. Yes.

8 Q. On a county road?

9 A. Yes.

10 Q. In Barbour County?

11 A. Yes.

12 Q. Inside or outside the city limits?

13 A. Right at the city limit.

14 Q. And someone had told you that they had
15 been on that county road before?

16 A. Well, I had seen them myself.

17 Q. You had seen them yourself? And were
18 you hiding, waiting and watching for them?

19 A. Well, I wasn't hiding. I was parked
20 in the dark, backed up off the road, just
21 sitting there.

22 Q. Can you give me an idea how far out of
23 town you were? You don't --

213

1 A. We were still in the city limits.

2 Q. Still in the city limits? So you were
3 in the city limits? Were you, like, on a dirt
4 road or something?

5 A. Yes.

6 Q. Okay. And you had a hunch the mayor
7 and one of his friends would be driving by?

8 A. Yes.

9 Q. And is that the reason you were pulled
10 off on the side of the road waiting?

11 A. Yes.

12 Q. Is that the only reason you were
13 pulled off on the side of the road waiting?

14 A. Yes.

15 Q. How long did you wait for them before
16 they came by?

17 A. It wasn't long. Maybe 30 minutes. It
18 wasn't long.

19 Q. I assume, because you knew they had
20 been there before, that this was not actually
21 the first night that you had pulled off on the
22 side of the road to wait for them. Am I correct
23 in my assumption?

214

1 A. That may have been the first night I
2 actually sat and wait.
3 Q. Had you done it before anyplace in the
4 county that you had seen them drive -- had you
5 ever waited for them before this occasion, that
6 you can recall?
7 A. Well, I would see them. I just -- as
8 far as waiting, waiting, I would say not. I
9 didn't. I really didn't have to wait because
10 they was always, like, following.
11 Q. Were you on a side road or on
12 someone's property?
13 A. I was on a dirt road that led to
14 someone's property.
15 Q. A private driveway or a dirt road?
16 A. It was a dirt road.
17 Q. How would I find that dirt road if you
18 were giving me directions?
19 A. If you take 30 out of Clayton --
20 Highway 30 out of Clayton, County Road 53, turn
21 right off of -- coming out of Clayton, it would
22 be the first dirt road to your right.
23 Q. And where does it lead?

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1 A. It just leads to that person's
2 driveway and on back out.
3 Q. Okay. And who is this person?
4 A. Ms. Linda Baxter.
5 Q. And you're a single man?
6 A. Yes.
7 Q. I mean, is she a girlfriend?
8 A. She's a friend.
9 Q. And you think that's not the first
10 time that they had been checking to see if you
11 went to see Linda? Is that what you're telling
12 me?
13 A. I guess that's what they was doing.
14 Q. And so you had your lights off?
15 A. Yes.
16 Q. And they come driving by. Do you
17 remember what they were driving?
18 A. A gray Mustang.
19 Q. And was that the mayor's vehicle or --
20 A. No.
21 Q. -- his friend's vehicle?
22 A. His friend's girlfriend's vehicle.
23 Q. And who is his friend?

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1 A. Richard Martin.
2 Q. And were you able to actually see the
3 mayor inside the vehicle at 7:45 p.m.?
4 A. Well, I didn't actually see him -- see
5 him like I'm looking at you, but I could tell it
6 was him.
7 Q. How?
8 A. After they turned off going to
9 Mr. Richard Martin's house, I slowed down. I
10 looked, identified what I wanted to identify.
11 Mr. Richard Martin was driving. The mayor was
12 sitting in the front passenger seat.
13 Q. That's what I'm -- could you
14 actually -- did you have visual confirmation of
15 those two people?
16 A. Yes. I could see in the vehicle.
17 Q. So you could see in the vehicle, and
18 you saw both of them?
19 A. (Nods head.)
20 Q. Okay. How far did you chase them?
21 A. I don't know but it was -- it was a
22 ways.
23 Q. You said you got --

217

1 A. From the beginning of County Road 53
2 all the way to another -- it was a good ways.
3 I'm going to give 20 -- a minimum of 20 miles,
4 at a high rate of speed.
5 Q. And they both were driving -- you were
6 driving fast, and they were driving fast? Is
7 that what you're telling me?
8 A. Well, I drove fast to try and keep up
9 with them.
10 Q. Did they pass by on a dirt road you
11 were on, and then you take out after them?
12 A. No. They actually turned up into the
13 dirt road right in front of me, and once they
14 saw me, I could tell the panic was on. They
15 sped off and the chase began.
16 Q. Why do you think they were panicked?
17 A. They wasn't intending for me to catch
18 them. They thought they were sneaking on me,
19 but I was prepared for them. And when they
20 turned in, having no cause to be there, none --
21 when they turned in and they were faced with
22 seeing me sitting in that patrol car, it set
23 panic in. They knew they was caught. They was

218

1 busted.

2 Q. So they were -- you think they were
3 looking for you?

4 A. Of course.

5 Q. And then when they found you, they
6 panicked?

7 A. They panicked and took off.

8 Q. So when they found what they were
9 looking for, instead of being satisfied, they
10 found it and they were panicked?

11 A. I don't really think they found what
12 they was looking for. They was found out.

13 Q. Why were you chasing them at a high
14 rate of speed?

15 A. Well, I was just following them
16 along. They drove fast. I drove fast.

17 Q. Did you have your lights on?

18 A. No.

19 Q. Okay. So you didn't blue light them?

20 A. No.

21 Q. You just followed them?

22 A. Yes.

23 Q. And you didn't stop them?

219

1 A. No, I did not.

2 Q. You didn't ticket them?

3 A. No.

4 Q. And so you sat there about 30 minutes
5 waiting on them, and then you followed them for
6 20 plus miles?

7 A. I don't know if it was 30 minutes or
8 not, but I sat there for a moment.

9 Q. Well, that's what you testified to
10 earlier.

11 A. It may have been 30 minutes. It may
12 not have been.

13 Q. How long did it take you to travel the
14 20 plus estimated miles?

15 A. I don't know exactly. We was running
16 at a high rate of speed. I don't know.

17 Q. Did you leave the police jurisdiction?

18 A. Yes.

19 Q. How far outside the police
20 jurisdiction would you say you went?

21 A. I don't know. It started out in the
22 police jurisdiction, goes out the police
23 jurisdiction, and then goes back into the police

220

1 jurisdiction. So I don't know exactly.

2 Q. Okay. And I'll look at a map sometime
3 later but trace the -- give me the county roads
4 that you drove on.

5 A. County Road 53, initially. I don't
6 know the second. It may have been 42, but it's
7 the same road that --

8 Q. Was it a pretty direct route back to
9 his friend's house, though?

10 A. It's a dangerous road.

11 Q. No. I'm not -- what I'm saying is --

12 A. Well, you have to turn off.

13 Q. I don't know the county as well as you
14 do. Were they pretty well headed back toward
15 his friend's house?

16 A. I don't know where they was heading,
17 but that's where they wound up. But the area
18 didn't lead to anywhere.

19 Q. I don't mean the road you were on. I
20 mean the route that you followed them. Was it a
21 pretty logical route, if I was trying to figure
22 out what the route was, from the dirt road that
23 you were on to his friend's house?

221

1 A. No. I wouldn't -- they wouldn't have
2 taken that road. It's in the middle of nowhere.

3 Q. Okay. Then, tell me as best as you --
4 and if you don't know the county -- if you don't
5 know the road number, give me a description of
6 it -- from your dirt road to when you quit
7 chasing them.

8 A. Richard Martin's Road. That's the
9 name of the road. It would be Richard Martin's
10 Road.

11 Q. Did it intersect the road that they
12 were on: 53?

13 A. I believe it did. I'm not sure
14 exactly, but I believe it may have crossed
15 somewhere in there.

16 Q. That's all the example of harassment
17 that occurred on January 10th; right?

18 A. That's how I took it. Yes.

19 Q. Oh, actually, you have another entry.
20 This is January 10th -- I don't know if this is
21 a typo or not. You have -- this is out of
22 chronological order. No, it's not. I
23 apologize. Later that evening, apparently,

222

1 January 10th, 11:44 p.m. I was harassed by
2 Mayor Rowland once again.
3 A. Yes. He may have called me. I can't
4 recall exactly, but I do know later that night
5 he called me and said where I better not be and
6 things of that nature.
7 Q. Where --
8 A. I better not be on County Road 53,
9 which was County Road 53 -- the road I saw him
10 on earlier.
11 Q. He told you, you should not be on
12 County Road 53?
13 A. I better not be on County Road 53.
14 Q. Did he say why?
15 A. No.
16 Q. Do you remember anything else about
17 that conversation?
18 A. I don't remember it right off. I
19 don't.
20 Q. Okay. We've just gone over
21 Defendant's Exhibit 9, which is a letter you
22 wrote January 11th, 2005, to the mayor pro tem
23 and the Clayton Town Council, listing eight
1 occurrences that you allege to have constituted
2 harassment, primarily by Mayor Rowland. Have
3 you told me everything you remember about those
4 eight occurrences?
5 A. As far as I can remember. Yes.
6 Q. Can you identify Defendant's Exhibit
7 10 for me?
8 A. Yes. That's a letter to me from Mayor
9 Shug Rowland.
10 Q. This was dated March 10th, 2005, and
11 it requested your presence at a council meeting
12 on March 14th, 2005. Do you recall whether or
13 not you attended that meeting?
14 A. I did attend.
15 Q. Okay. Do you remember what happened
16 on that meeting?
17 A. Yes.
18 Q. Tell me.
19 A. The issue came up concerning my
20 schedule, and the chief of police was asked in
21 the open scheduled council meeting if there was
22 a problem with my work schedule and the time I
23 was reporting to work. And he stated, No, he

223

1 did not have a problem with my work schedule.
2 Q. Do you remember --
3 A. Be it whatever time I showed up. He
4 said he did not have a problem with my work
5 schedule.
6 Q. You could just show up whenever you
7 wanted?
8 A. Well, he didn't have a problem with
9 it. We had worked out the schedule.
10 Q. Did you -- well, how had you worked it
11 out?
12 A. Well, he would stay sometimes later if
13 he had to, or Sergeant Lightner would be there
14 if he had to. We just adjusted the schedule
15 to -- if they had to come early or they had to
16 stay late or get off early and I stay late, it
17 was -- the three of us, we worked the schedule.
18 Q. Can you identify Defendant's 11?
19 A. This is a letter from Mayor Shug
20 Rowland.
21 Q. And in response, did you send him
22 Defendant's 12?
23 A. I've never seen that document. That's

224

1 from the mayor.
2 Q. I apologize. I'm sorry. I
3 misunderstood. I thought that you -- that's
4 from the mayor, not -- I misread it. So you've
5 never seen Defendant's --
6 A. I've never seen that. I never
7 received that letter.
8 Q. Okay. It looks like it's just a draft
9 of this letter. (Indicating.) But you have
10 seen 11?
11 A. I saw that letter. (Indicating.)
12 Q. Okay. That's fine.
13
14 MR. DERRICK: And just for the
15 record, I made -- there won't be a 12
16 or 13 because I made a duplicate of
17 11. And then 12 is just handwritten
18 notes before 11 was typed up. So I'm
19 not going to offer 12 or 13.
20
21 Q. Can you identify 14 for me?
22 A. I remember the top letter dated --
23 Determination Hearing, from me to Mayor

225

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1 Rowland. I don't recall this second part here.
 2 (Indicating.)
 3 Q. And just for the record, it may not be
 4 that they go together. I may have made a
 5 mistake. This is a letter -- the first page of
 6 14 is a letter from you to the mayor?
 7 A. Yes.
 8 Q. And the second one is entitled,
 9 Determination Hearing, and it doesn't have -- it
 10 just says, Refused to sign at the bottom. And
 11 it really doesn't have anything on it. You
 12 wrote the -- you wrote Defendant's 14, the first
 13 page of it, in response to -- I think I know
 14 what -- I'm going to go ahead, just so the
 15 record will be clear later -- I don't think that
 16 I should have stapled these two pages together.
 17 (Indicating.) And I may reference it later. So
 18 14 is a single-page document that you wrote to
 19 the mayor in response to what he wrote to you.
 20 That's Defendant's 11; is that right?
 21 A. I would say so.
 22 Q. It says here that it's my intent to
 23 appeal to the Clayton Town Council in defense of

227

1 my rights. Was the hearing not before the Town
 2 council that you were being asked to --
 3 A. No. That hearing was with him.
 4 Q. Okay. You understood that it was just
 5 going to be you and him?
 6 A. With he and I. Yes.
 7 Q. Can you identify 15 for me?
 8 (Indicating.)
 9 A. Yes. This is a letter to me from
 10 Mayor Shug Rowland.
 11 Q. Regarding the decision to terminate
 12 your employment?
 13 A. Yes.
 14 Q. And outlines your right to appeal the
 15 decision to the Town council?
 16 A. Yes.
 17
 18 MR. DERRICK: For the record,
 19 there won't be a 16. It's a copy of
 20 15.
 21
 22 Q. Can you identify 17 for me?
 23 A. Yes. This is a letter to the Town

228

1 clerk from me, reference letter of appeal.
 2 Q. And at the bottom, the Town clerk
 3 acknowledged receiving the letter?
 4 A. Yes.
 5 Q. The same day that it's dated that it
 6 was written?
 7 A. Yes.
 8 Q. And three days later you got a letter
 9 from the Town clerk. That's marked 18; right --
 10 or, actually, that's to the Town council.
 11 A. Yes, I did.
 12 Q. Have you seen that letter?
 13 A. I don't recall.
 14 Q. Okay. But the content of the
 15 letter -- it says, Assistant Chief Peterson has
 16 filed a timely appeal to the Town council of
 17 Mayor Rowland's decision to terminate his
 18 employment. A special council meeting will be
 19 set May 19th at 6 p.m. in the council chambers.
 20 Am I right about that?
 21 A. Yes. According to the letter.
 22 Q. And that did occur: The meeting on
 23 the 19th?

229

1 A. Yes.
 2 Q. And you attended it?
 3 A. Yes.
 4 Q. Okay. Can you tell me what 19 is?
 5 A. This is a form from the agency
 6 informing the State whether they are still
 7 employed or not.
 8 Q. Have you seen 20 before?
 9 A. Not in that form.
 10 Q. Okay. But that meeting did occur;
 11 right?
 12 A. Well, there was a May 19th meeting.
 13 Q. Well, look at it with me. It says --
 14 it outlines the purpose of the meeting in the
 15 first paragraph. It lists the visitors in the
 16 second paragraph. The third paragraph, it says,
 17 Mayor Rowland stated the purpose of the meeting
 18 is to review the mayor's decision to terminate
 19 Assistant Chief Richard Peterson and consider
 20 such evidence as may be offered in connection
 21 with such decision and the charges against
 22 employee at such hearing as outlined -- and then
 23 it cites the employee handbook. It goes on in

230

1 the next paragraph to say, Mayor Rowland -- and
2 here's what I want to ask you, because you were
3 present for this meeting; right?

4 A. Yes.

5 Q. So tell me if this is an accurate
6 representation of what you remember happening at
7 this special meeting. Mayor Rowland stated he
8 visited with Assistant Chief Richard Peterson
9 and told him he did not agree with him holding
10 two full-time jobs and not making the start of
11 his shift. Did he mention that at the hearing?

12 A. I don't recall exactly what was said
13 by the mayor.

14 Q. Do you recall anything that was said
15 by the mayor at the hearing?

16 A. It wasn't much said.

17 Q. That's not my question.

18 A. I don't recall it.

19 Q. Mayor Rowland stated Assistant Chief
20 Peterson had been late for the start of his
21 shift, as outlined in the minutes of the council
22 meeting December 13th, 2004, and Assistant Chief
23 Peterson was still not making the start of his

231

1 shift. Do you remember Mayor Rowland making
2 that statement?

3 A. I don't recall.

4 Q. Do you deny that he made that
5 statement --

6 A. I don't recall it.

7 Q. Mayor Rowland stated he had Assistant
8 Chief Peterson to work for the Town full time --
9 I don't think that's -- either I may have read
10 it wrong, or it's not printed right. Let's
11 start all over. Mayor Rowland stated he had
12 Assistant Chief Peterson to work for the Town
13 full time and the State of Alabama part time or
14 to work for the State of Alabama full time or
15 the Town part time. Do you remember any
16 discussion about those two possibilities to make
17 things work out: Going part time one place or
18 the other?

19 A. No.

20 Q. Do you deny that there was a
1 conversation about that?

22 A. I don't recall us having a
23 conversation like that.

232

1 Q. One way or the other? Assistant Chief
2 Richard Peterson stated Mayor Rowland had
3 racially discriminated against him. Do you
4 remember saying that at the hearing?

5 A. Yes.

6 Q. Assistant Chief Richardson (sic)
7 stated the mayor was going to force him to work
8 part time. Do you remember saying that at the
9 meeting?

10 A. I said that.

11 Q. So you understand that you had an
12 option on the table to go to work part time with
13 the City of Clayton?

14 A. The mayor and I never discussed it,
15 that I can recall.

16 Q. That you can recall? You don't deny
17 that there was a discussion about that, though;
18 correct?

19 A. I don't recall it.

20 Q. And then it outlines motions that were
21 made by the various council and the council's
22 vote. You don't dispute that the council upheld
23 the termination, do you?

233

1 A. No. I don't dispute that.

2 Q. And you don't dispute that you had an
3 option to remain with the Town as a part-time
4 employee? You don't dispute that?

5 A. I don't recall the mayor and I
6 discussing that.

7 Q. I understand but, therefore, do you
8 dispute it?

9 A. Well, I don't recall it happening.

10 Q. Okay. I'm going to show you
11 Defendant's Exhibit 21. What's the name of the
12 newspaper there in Clayton? Is it the Clayton
13 Tribune? Is that the name of the paper?

14 A. Clayton Records.

15 Q. It says, Tribune staff writer under
16 the byline. Have you ever seen that article
17 before, from May 22nd, 2005?

18 A. This may have been an article in the
19 local paper.

20 Q. Yeah. That's what I'm talking about.
21 Have you seen it before? I'm talking about
22 Defendant's 21.

23 A. I would guess I had.

234

1 Q. Let's go down some of the stuff that
2 they quoted you in on this thing and see if you
3 have any dispute about the accuracy. It says,
4 Clayton's former assistant police chief has
5 filed complaints with the Equal Employment
6 Opportunity Commission as well as the Alabama
7 attorney general's office. Did you file in both
8 places?

9 A. Well, I filed with the EEOC in
10 reference to --

11 Q. Did you file with the attorney
12 general's office?

13 A. No, I did not.

14 Q. Did you tell the paper you did?

15 A. I don't recall telling the paper I
16 did.

17 Q. It says that his actions follow his
18 termination. Going on down, this is a quote
19 from you: It's a bunch of mess, quote, closed
20 quote, Assistant Chief Peterson said in a phone
21 interview Wednesday. Do you recall saying "it's
22 a bunch of mess"? I'm just asking you if you
23 remember telling --

235

1 A. I don't -- I don't recall that. I
2 don't recall it.

3 Q. Do you remember hearing the chief --
4 well, first of all, the chief of police did not
5 attend the meeting in which your termination was
6 upheld; is that right -- Jamey Williams? Well,
7 let's just read the article. It says about
8 midway down the first column, Police Chief Jamey
9 Williams did not attend the May 9th council
10 meeting, a requirement of all department heads.
11 Is that accurate?

12 A. That's true.

13 Q. According to the Clayton Record,
14 Williams had notified the mayor he was taking
15 his son to the pediatrician in Phenix City.
16 Again reading from this article, Councilman
17 Leroy Rumph told the council he had seen the
18 chief earlier in the afternoon pulling a boat.
19 Do you know about any of that, other than what's
20 written here?

1 A. I saw the chief that day.

2 Q. Okay. Do you know why he didn't
3 attend the meeting?

236

1 A. I saw him pulling a boat.

2 Q. Were you there when -- after the
3 meeting, Williams said he saw Rumph and Carl
4 Garner driving by his house, leading him to
5 believe that his reasons for not being at the
6 meeting were not legitimate. Do you know
7 anything about that, other than what's in the
8 paper?

9 A. I don't have any knowledge of that.

10 Q. Okay. It says here -- and they're
11 quoting you -- Peterson said Williams came to
12 city hall where the mayor and three council
13 members were still gathered, threw his child's
14 vomit-covered clothing down, and told them, You
15 can all kiss my "a," dash, dash, closed quote.
16 My question is, first, did the paper accurately
17 report what you told them?

18 A. I didn't tell them that.

19 Q. You didn't tell them that at all?

20 A. I didn't.

21 Q. Did you observe that happen?

22 A. I observed him pull up. And I
23 couldn't hear, but I did see him throw

237

1 something. I don't know what it was.

2 Q. Okay. So you saw him drive up. You
3 saw him throw something. You didn't hear this
4 quote: You can all kiss my "a"?

5 A. I didn't hear it.

6 Q. It says, The Tribune contacted Rowland
7 as well as Williams, but both declined to
8 comment on the situation. Peterson had plenty
9 to say, according to that. So do you remember
10 talking in length with this Susan Walworth from
11 the paper?

12 A. I remember talking to someone from
13 there. I believe it's the Eufaula Tribune.
14 That's what it would be.

15 Q. Okay. Maybe I am mistaken. Peterson,
16 who had been in law enforcement for 19 years,
17 said he had never seen anything like this. Do
18 you remember saying that to her?

19 A. Yes. I remember that.

20 Q. As for the mayor's allegations of his
21 reporting late to work, Peterson, who also works
22 with the State of Alabama as a special
23 investigator, said the police chief had never

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1 had a problem with his schedule. He worked at
2 night while Williams worked the day shift;
3 worked 80 hours every two weeks. Peterson
4 adding he had worked two jobs since he had been
5 with the force and it had never been a problem
6 until Rowland became mayor. Is that pretty
7 accurate --

8 A. That's correct.

9 Q. -- with what you reported? Of course,
10 the two jobs that you had before the State --
11 one in which you controlled the schedule as
12 chief of police of Hurtsboro; right?

13 A. Well, I was the chief of police in
14 Hurtsboro.

15 Q. And you made the schedule?

16 A. Yes.

17 Q. Peterson, who is black, said his
18 dismissal is, quote, political and
19 discriminatory, closed quote. Do you remember
20 saying that?

21 A. I can't recall exactly.

22 Q. And then it just quotes you as saying,
23 It's bad. What's the problem with this --

239

1 you've got some allegations in here about --
2 Peterson claims individuals associated with the
3 mayor, all white males, carry Clayton Police
4 Department badges, although they have never been
5 certified as police officers. He said the state
6 trooper stopped one of the men who had been
7 drinking and he flashed his badge. That's how
8 they were getting away with stuff. Do you
9 remember telling the newspaper that?

10 A. That's true.

11 Q. And you contend that is true?

12 A. Yes.

13 Q. And is that what you meant by
14 "political" earlier?

15 A. That and the incident about the stolen
16 vehicle, I would say.

17 Q. It goes on that you said a trooper
18 called the Clayton Police Department. Do you
19 know the trooper's name?

20 A. No.

21 Q. Is there a way you could find the
22 trooper's name?

23 A. No. It was just a phone call.

240

1 Q. Is there a way I could find the
2 trooper's name?

3 A. I don't know.

4 Q. -- Clayton Police Department and asked
5 him to certify the man showing him a badge was,
6 in fact, a Clayton police officer. And you
7 would not. And then you talked about it's a
8 felony in Alabama to impersonate a police
9 officer. Do you know who testified at the grand
10 jury against the young boy that you're referring
11 to in this newspaper article?

12 A. I have no idea. There were no
13 witnesses.

14 Q. Well, let me read it in context and
15 see if all of this is accurate. Citing another
16 alleged incident from September, Peterson said a
17 local attorney's vehicle was stolen. Did you
18 tell them that?

19 A. Yes.

20 Q. Peterson, who was investigating the
21 case, said there was no witnesses and no
22 evidence but the mayor instructed him to arrest
23 a young black man. Did you tell the paper that?

241

1 A. Yes.

2 Q. In your mind, is it true? And it's a
3 true statement, in your mind? You believe what
4 you told the paper?

5 A. Yes.

6 Q. And you refused to arrest the young
7 man?

8 A. Yes.

9 Q. Then it goes on and it says, Peterson
10 said the man was later indicted by the grand
11 jury and is in jail now, charged with first-
12 degree theft of property, a charge Peterson said
13 requires an eyewitness. Did you tell the paper
14 that?

15 A. Yes.

16 Q. Otherwise, it's changed to another
17 charge. Quote, Somebody had to testify they saw
18 him, closed quote, Peterson said. All that is
19 accurate, what you told the paper?

20 A. Yes.

21 Q. There was no such witness unless
22 someone lied to the grand jury. You told the
23 paper that? Yes?

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1 A. I would say yes.

2 Q. Peterson said he had interviewed the
3 man -- I guess you're referring to the young man
4 that you were asked --

5 A. Yes.

6 Q. -- to arrest? And he couldn't
7 understand his Miranda rights. Quote, It wasn't
8 up to me to say he was pretending, closed
9 quote. You don't mean pretending about whether
10 he committed the crime but pretending about
11 whether he understood his Miranda rights. Is
12 that accurate?

13 A. Yes.

14 Q. Citing the incidents -- which I think
15 that you're referring to the arrest of the young
16 boy and the friends carrying badges -- Peterson
17 added, quote, That's what I think the mayor's
18 witch hunt is about. It was definitely not
19 about getting to work on time, closed quote.
20 Did you tell the paper that?

21 A. I'm not sure exactly.

22 Q. Do you believe that statement is true?

23 A. It could be.

243

1 Q. Well, do you think this reporter just
2 made it up? Going back to that, let me just
3 ask. Do you dispute that that's a quote -- is
4 it an accurate quote that you gave the paper?

5 A. Like I said, I can't remember exactly
6 in reference to that quote.

7 Q. I understand you don't remember
8 exactly, but the facts contained in that --
9 that's what I think the mayor's witch hunt is
10 about. It's definitely not about getting to
11 work on time. Do you believe that that is a
12 true statement?

13 A. I know it wasn't about getting to work
14 on time. I do know that.

15 Q. Do you believe it's about these two
16 incidents that you're talking about in the
17 paper?

18 A. Among other things.

19 Q. Peterson added he's never been written
20 up and has never had any disciplinary action.
21 He also claims the mayor wanted to get rid of
22 the police chief. They didn't want him to
23 assume the position. Is there anything in the

244

1 code that's -- I mean, in the Town handbook that
2 says if the chief gets fired, the assistant
3 automatically becomes chief?

4 A. Well, that was protocol.

5 Q. Where is that?

6 A. In Clayton.

7 Q. It had just been done that way in the
8 past?

9 A. That's how they have done it.

10 Q. So they don't go looking for
11 applicants?

12 A. Well, they never did.

13 Q. So at Hurltsboro you got hired directly
14 in as chief; right?

15 A. Yes.

16 Q. Lightner was already there?

17 A. No.

18 Q. Was there anybody already there?

19 A. Yes.

20 Q. And he didn't get the job?

21 A. I don't know if he applied or not.

22 Q. Other than just that's the way they've
23 always done it, was there any reason that made

245

1 you think that when you got rid of the chief,
2 that you would automatically become chief?

3 A. That was protocol.

4 Q. Protocol -- you say that based upon
5 that's how it's always been done?

6 A. That's how it has been done.

7 Q. Okay. And that's the only reason you
8 say that it was protocol; right?

9 A. Yes.

10 Q. All right. And tell me what -- I'm
11 skipping 22 and going to 23. Can you tell me
12 what 23 is?

13 A. It looks like a release.

14 Q. It looks like a release signed by you?

15 A. Yes.

16 Q. Releasing the Town of Clayton; is that
17 right?

18 A. Yes.

19 Q. On July 15th, 2005?

20 A. Yes.

21 Q. I'm skipping 24. Can you identify 25?

22 A. Yes.

23 Q. I asked you if you could identify it

246

1 for me.
2 A. Yes.
3 Q. Please do so.
4 A. That's an old application dating back
5 to 1997.
6 Q. With the --
7 A. Clayton Police Department.
8 Q. Okay. Is it accurate, as far as you
9 can -- is it an accurate copy of the one you
10 submitted in '97?
11 A. As far as I can remember.
12 Q. Did you submit another one when you
13 got your job in '01?
14 A. I believe I did.
15 Q. I don't think -- I don't know that
16 this is important. I'm just going to go on
17 through them. 26 is -- tell me what 26 is. 26
18 is the letter hiring you as an on-call officer?
19 A. Yes.
20 Q. You've got some garnishments that I
21 don't really know -- most of it may be child
22 support. I'm not sure, but I just want to ask
23 you about it. Do you know -- this one is

247

1 from -- well, can you identify that and tell me
2 what caused that? (Indicating.)
3 A. I guess that would be in reference to
4 taxes.
5 Q. That's what I'm trying to figure out.
6 Is it primarily -- how many different reasons
7 have you been -- had your paycheck garnished?
8 Child support? Is that one of them?
9 A. Well, I guess if you call it
10 garnishment. I had child support coming out of
11 my --
12 Q. Did you have anything besides child
13 support coming out, that was paid into the
14 court's --
15 A. I had \$25 coming out that went to the
16 State.
17 Q. For what?
18 A. Taxes.
19 Q. Back taxes owed?
20 A. Yes.
21 Q. Child support and back taxes? Were
22 those the --
23 A. As far as I can remember.

248

1 Q. All right. Let me just quickly look
2 through. Have you told me all of the examples
3 of harassment that you believe you've received
4 by the mayor or anyone associated with the City
5 or the Town of Clayton?
6 A. Following me around, the showing up on
7 my job, the coming by the police station
8 unannounced, the phone calls.
9 Q. I know but I'm saying -- we've gone
10 through all those?
11 A. Yes.
12 Q. Have you told me all of those -- is
13 there anything that you haven't told me about?
14 A. As best I can remember, I have.
15
16 (Whereupon, Defendant's Exhibit Peterson
17 27 was marked for identification and
18 same is attached hereto.)
19
20 Q. Identify 27 for me. This is some of
21 the documents you provided me.
22 A. It's a letter to Chief Jamey Williams
23 from me referencing outside employment.

249

1 Q. There's nothing in here -- in this
2 letter about any prior discussions between you
3 and the chief, is there?
4 A. No. That's a follow-up to the
5 conversation.
6 Q. I understand, but it doesn't reference
7 any --
8 A. No.
9 Q. -- previous discussions? All right.
10
11 (Whereupon, Defendant's Exhibit Peterson
12 28 was marked for identification and
13 same is attached hereto.)
14
15 Q. Tell me the significance of 28. You
16 brought that.
17 A. Well, it's just -- it requested all --
18 this is just part of the paperwork that I
19 figured was meant by that letter.
20 Q. Okay. Why do you have a copy of
21 that? What's the significance that caused you
22 to keep a copy of that? That's what I'm trying
23 to understand.

250

1 A. Well, I pretty much copied all of my
2 newspaper articles.
3 Q. That referenced you?
4 A. The entire incident.
5 Q. Well, why did you only bring one?
6 A. Well, that may have been the last one
7 I had. I may have sent some other ones.
8 Q. Sent some other ones?
9 A. With the other paperwork that I sent.
10 Q. Sent where?
11 A. I brought -- gave some paperwork to my
12 attorney.
13 Q. So is there more?
14
15 MR. NEWMAN: More what?
16 MR. DERRICK: Documents that --
17
18 A. We had some newspaper articles.
19
20 MR. NEWMAN: Newspapers?
21 MR. DERRICK: More anything.
22 MR. NEWMAN: There's lots more
23 of everything. What specifically do

251

1 you mean?
2 MR. DERRICK: In reference to
3 the notice of deposition. I mean, it
4 was just a reprint of the request for
5 production because I hadn't gotten
6 anything from you.
7 MR. NEWMAN: Right.
8 MR. DERRICK: So I'm just asking
9 if there's other stuff out there.
10 That's why I went through it line by
11 line before we started the deposition.
12 MR. NEWMAN: Let me put it like
13 this. That's a newspaper article?
14 That's what you're telling me?
15 THE WITNESS: Yes.
16 MR. NEWMAN: Okay. I have never
17 seen that. I don't even know why he
18 has it. So I can't answer that. Are
19 there still copies of the Clayton
20 newspapers somewhere? I'm pretty sure
21 of that.
22 MR. DERRICK: Do y'all --
23 MR. NEWMAN: Do I have them?

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1 No, I don't. I'm not going to make
2 any special effort to get them because
3 it's a public record. They're
4 accessible to each of us.

5 MR. DERRICK: Okay. If all
6 we're talking about is newspaper
7 articles, fine. Are there any other
8 documents you have, though?

9 MR. NEWMAN: That are not
10 newspaper articles?

11 THE WITNESS: Not that I know
12 of.
13

14 Q. All right. That's 28. What I'm going
15 to do now is just mark the rest of the documents
16 that you brought as a collective exhibit,
17 because I really think we've covered them. But
18 I want to know later, when I look at it, what it
19 is that you brought and what I have. If you
20 want to -- these are your originals, and this is
21 what you brought. (Indicating.) If you'll take
22 a minute so I can mark it and make sure that I'm
23 not -- nothing is missing from those two.

253

1 Compare what you brought to what I have there.
2 A. (Witness complies.) Everything is in
3 there, only -- except for the driver's license
4 photo and the --

5 Q. Oh, okay. I've got those here. I'll
6 stick them on the back. Those two things?
7 (Indicating.)

8 A. Yes. They're in there. They're not
9 in here. (Indicating.)

10 Q. You don't want them? I don't know how
11 that happened either. I apologize. All right.
12 I'm marking Defendant's 29, just so I'll have a
13 record of what you brought to the deposition.
14

15 (Whereupon, Defendant's Exhibit Peterson
16 29 was marked for identification and
17 same is attached hereto.)
18

19 Q. Do you know where Lightner is today?

20 A. Today?

21 Q. Yeah.

22 A. No, I don't.

23 Q. Have you discussed your case with him?

254

1 A. No.

2 Q. What about former Chief Williams?

3 A. I haven't seen him.

4 Q. Have you discussed your case with

5 anybody, other than the names we've already

6 discussed, and since you left --

7 A. No.

8 Q. -- since you filed your lawsuit?

9 Okay.

10

11 MR. DERRICK: I'm almost

12 through. I just want to take a quick

13 break and look over something.

14

15 (Whereupon, a short recess was taken.)

16

17 Q. I think all these things we've -- I

18 really don't think there's any issue, but I want

19 to hit on them, okay? You're not claiming that

20 there was any official municipal policy that

21 Clayton had that resulted in your case; am I

22 right?

23 A. I don't understand the question.

255

1 Q. Okay. That's fine. But do you

2 contend that there was any official policy that

3 Clayton had that resulted in your allegations,

4 your termination?

5 A. I don't understand the question,

6 again.

7 Q. Okay. That's fine. Was there any

8 kind of ongoing custom or practice in Clayton --

9 in other words, what happened to you, has it

10 happened to anyone else that you know of?

11 A. I don't have any knowledge of it.

12

13 MR. DERRICK: All right. I

14 think we're through.

15 MR. NEWMAN: I have just a few

16 questions, if you're passing the

17 witness.

18 MR. DERRICK: Yes, sir.

19

EXAMINATION

1 BY MR. NEWMAN:

2 Q. Mr. Peterson, Mayor Rowland -- what is

3 his full name, if you know?

256

1 A. Shug Rowland.

2 Q. Shug? That's -- his actual name is

3 Shug?

4 A. As far as I know. Yes.

5 Q. Shug Rowland? And he is Caucasian?

6 A. Yes.

7 Q. In one of the exhibits to this

8 deposition -- it may have been Exhibit 30, the

9 last one -- you brought some documents.

10

11 MR. DERRICK: This one?

12 (Indicating.)

13 MR. NEWMAN: Is it 30?

14 MR. DERRICK: Well, actually,

15 it's marked twice. It's 28.

16 MR. NEWMAN: 28.

17

18 Q. You brought some documents with you,

19 and there was a Councilman Smith on the Clayton

20 City Council at this time?

21 A. Yes.

22 Q. And do you know Councilman Smith

23 personally?

257

1 A. I know of him.

2 Q. You know of him? What is his race?

3 A. He's Caucasian.

4 Q. Before Mayor Shug Rowland became

5 mayor, had there been any issues with regard to

6 scheduling or accommodating officers' schedules

7 who had second jobs?

8 A. No.

9 Q. To your knowledge, was this the first

10 time? And I mean was your situation the first

11 time it became an issue for the mayor or for the

12 council?

13 A. Yes.

14 Q. Thank you, sir.

15

16 MR. DERRICK: We're asking about

17 Smith?

18 MR. NEWMAN: Yes.

19

EXAMINATION

21 BY MR. DERRICK:

22 Q. What do you know about Smith's

23 employment with Clayton?

258

1 A. I don't know his employment history.

2 Q. At all?

3 A. No.

4 Q. Okay. I appreciate it.

5
6 (FURTHER DEPONENT SAITH NAUGHT)
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259

1 REPORTER CERTIFICATE
2

3 STATE OF ALABAMA)

4 COUNTY OF COFFEE)
5

6 I hereby certify that the above and
7 foregoing deposition was taken down by me in
8 stenotype, and the questions and answers thereto
9 were transcribed by means of computer-aided
10 transcription, and that the foregoing represents
11 a true and correct transcript of the testimony
12 given by said witness upon said hearing.

13 I further certify that I am neither of
14 counsel nor of kin to the parties to the action,
15 nor am I in any way interested in the result of
16 said cause.

17 Certified this the 16th day of October,
18 2006.
19
20

21 TINA L. HARRISON

22 Court Reporter

23 (334) 793-3673

any

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Case 2:06-cv-00110-VPM Document 1 Filed 02/03/2006 Page 1 of 3

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

7001 FEB -3 A 10 00

RICHARD PETERSON,

PLAINTIFF,

VS.

TOWN OF CLAYTON, ALABAMA

DEFENDANT.

DEBRA P. HACKETT, CL.
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE NO.: 2:06cv110-VPM

A TRIAL BY JURY
IS REQUESTED

COMPLAINTI. INTRODUCTION

1. This is an action for declaratory judgment, equitable relief, and money damages, instituted to secure the protection of and to redress the deprivation of rights secured through the Civil Rights Act of 1866, as amended by Section 101 of the Civil Rights Act of 1991, and codified as 42 U.S.C. Section 1981, 42 U.S.C. Section 1983 and 42 U.S.C. 2000e, which provide for relief from racial discrimination in employment.

II. JURISDICTION

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 1331, 1343(4); 28 U.S.C. Sections 2201 and 2202.

3. The unlawful employment practices alleged herein below were committed by the Defendant within Barbour County, Alabama. Venue is proper under 28 U.S.C. Section 1391(b).

MALCOLM R. NEWMAN
ATTORNEY, PC.
P.O. Box 6137
Dothan, AL 36302-6137

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FEB 13 2006
BY:

Case 2:06-cv-00110-VPM Document 1 Filed 02/03/2006 Page 2 of 3

III. STATEMENT OF ALLEGATIONS

4. Plaintiff is a black male and resident of the Middle District of Alabama living in Bullock County and over the age of 19 years;

5. Plaintiff is a certified police officer and was assistant Chief of Police with the Defendant's Police Department until his termination in 2005;

6. Plaintiff worked a second job as did white officers;

7. Plaintiff requested that his shift hours accommodate his second job as was done for white officers;

8. Plaintiff was terminated on May 9, 2005 allegedly for tardiness and insubordination after he complained that the Defendant's conduct was motivated by race.

IV. CLAIMS FOR RELIEF

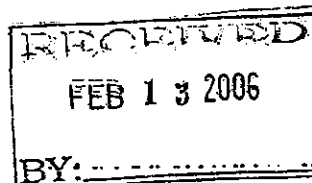
9. Plaintiff requests that the Defendant be ordered to permanently cease and desist from all race discrimination in employment for municipal jobs;

10. Plaintiff claims that the Defendant's conduct has caused him pain, humiliation, suffering and financial loss for which he seeks compensatory damages of \$2,000,000.00 (two million dollars);

13. Plaintiff seeks punitive damages of \$500,000.00 (five hundred thousand dollars) from this Defendant in that it knew or should have known that its actions were violations of long standing law and purposefully pursued this unlawful course.

14. Any and all other relief, including attorney's fees and costs to which he may be entitled.

MALCOLM R. NEWMAN
ATTORNEY, P.C.
P.O. Box 6137
Dothan, AL 36302-6137



Case 2:06-cv-00110-VPM Document 1 Filed 02/03/2006 Page 3 of 3

Malcolm R. Newman, Attorney, P.C.

Malcolm R. Newman

Malcolm R. Newman (NEW017)

Attorney for Plaintiff

P.O. Box 6137

Dothan, Alabama 36302

(334) 792-2132

ASB-2826-M39M

MALCOLM R. NEWMAN
ATTORNEY, PC.
P.O. Box 6137
Dothan, AL. 36302-6137

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FEB 13 2006
BY: _____

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD PETERSON,

PLAINTIFF,

VS.

TOWN OF CLAYTON, ALABAMA

DEFENDANT.

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CASE NO.: 2:06-CV-110-VPM

**RESPONSE TO MOTION FOR A
MORE DEFINITE STATEMENT**

Comes now the Plaintiff, Richard Peterson, and in reply to the Defendant's Motion (Doc. 5-1) and the Order of April 18th (Doc. 10) says as follows:

1. Plaintiff claims that the Defendant, acting through its authorized agent, terminated his employment because of Plaintiff's race (black); and,
2. Defendant terminated Plaintiff's employment in retaliation for Plaintiff complaining that the failure to accommodate his work schedule was racially motivated.
3. Plaintiff intends to assert and prove that both the denial of accommodation and termination were motivated by his race (Black).

Malcolm R. Newman, Attorney, P.C.

/s/ Malcolm R. Newman
Malcolm R. Newman (NEW017)

Attorney for Plaintiff
P.O. Box 6137
Dothan, Alabama 36302
(334) 792-2132
ASB-2826-M39M

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Todd Derick
Post Office Box 6346
Dothan, Alabama 36302

/s/ Malcolm R. Newman
Malcolm R. Newman, Esq.

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RICHARD PETERSON,

PLAINTIFF,

VS.

**TOWN OF CLAYTON,
ALABAMA**

DEFENDANT.

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CASE NO.: 2:06CV110-VPM

REQUEST FOR PRODUCTION

Plaintiff Richard Peterson requests Defendant Town of Clayton, Alabama to respond within 30 days to the following requests:

(1) That Defendant produce and permit Plaintiff to inspect and to copy each of the following documents:

- 1) Richard Peterson's Personnel File;
- 2) The Personnel Files of fellow Officers, to-wit: Moore, Hammond, Miller, Camarata Weaver, Lightner, Frost, Grates, Hampton, Williams, Daniel, Lecompte, and Warr.

Malcolm R. Newman, Attorney, P.C.

Malcolm R. Newman

Malcolm R. Newman (NEW017)
Attorney for Plaintiff
P.O. Box 6137
Dothan, Alabama 36302
(334) 792-2132
ASB-2826-M39M

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon:

Todd Derrick, Esq.
Post Office Box 6346
Dothan, Alabama 36302

by placing a copy of the same in the United States mail, postage prepaid this the 12th day of July, 2006.

Malcolm R. Newman

Malcolm R. Newman

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RICHARD PETERSON,

PLAINTIFF,

VS.

**TOWN OF CLAYTON,
ALABAMA**

DEFENDANT.

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CASE NO.: 2:06CV110-VPM

PLAINTIFF'S CALCULATION OF DAMAGES

Comes now the Plaintiff, Richard Peterson, and pursuant to the Order of June 1, 2006 (Doc. 16) serves Notice of his objective damages to date:

1. Depletion of Savings	\$8,200.00
2. Attorney fee's and costs	\$2,000.00
3. Loss of Compensatory Time	\$1,400.00
4. Filing fee	\$ 250.00
Total	<u>\$11,850.00</u>

Malcolm R. Newnan, Attorney, P.C.
/s/Malcolm R. Newman
Malcolm R. Newman (NEW017)
Attorney for Plaintiff
P.O. Box 6137
Dothan, Alabama 36302
(334) 792-2132
ASB-2826-M39M

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2006, that I have served a copy of the foregoing upon:

Todd Derrick, Esq
Post Office Box 6346
Dothan, Alabama 36302
(334)-677-3000
(334)-677-0030

by placing a copy of the same in the United States mail, postage prepaid this the 27 day of June, 2006.

/S/Malcolm R. Newman
Malcolm R. Newman

EEOC Form 161 (10/96)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Richard Peterson
6417 County Road #23
Union Springs, AL 36089

From: Equal Employment Opportunity Commission
Ridge Park Place
1130 South 22nd Street
Birmingham, AL 35205

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
130 2005 04288	Booker T. Lewis, Supervisor	(205) 212-2115

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) _____

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** from your receipt of this Notice, otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission


Bernice Williams-Bambridge, District Director

2 NOV 2005

Enclosure(s)

(Date Mailed)

cc:



**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**RICHARD PETERSON,
PLAINTIFF,**

vs.

**TOWN OF CLAYTON, ALABAMA,
DEFENDANT,**

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Case No: 2:06CV110-VPM

**NOTICE OF TAKING DEPOSITION
OF RICHARD PETERSON, DUCES TECUM**

Please take notice that on the 10th day of October, 2006, in the office of Cobb, Shealy, Crum, Derrick & Pike, 206 North Lena Street, Dothan, Alabama, Defendants will take the deposition of **Richard Peterson**, at the above-mentioned time before an officer authorized by law to administer oaths. The deposition will continue from day to day until completed. You are invited to attend and cross-examine the witness. The witness is asked to bring with him and testify as to the following:

1. Any and all statements of any person, including parties to this litigation, who has or claims to have knowledge of the following:
 - (a) the facts and circumstances relating to the occurrence alleged in your complaint;
 - (b) your injuries; or
 - (c) your damages; or
 - (d) any other facts and circumstances that are relevant to this lawsuit.
2. All data as to your physical or mental condition prior and subsequent to the alleged occurrence.

NOTICE OF TAKING DEPOSITION OF RICHARD PETERSON, DUCES TECUM

Page 1

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3. All documents and tangible things you will offer as evidence at trial.

4. All documents and tangible things you will use for impeachment of witnesses at trial.

5. All medical records which depict, describe, or otherwise evidence your mental or physical condition or relate to the injuries purportedly suffered as a result of the occurrence alleged in your complaint.

6. The reports of all experts who have reviewed any aspect of this case on behalf of you or your attorney and who are proposed expert witnesses on your behalf in this matter.

7. The complete file of any expert witness who is expected to testify on your behalf at the trial of this matter, including but not limited to, any and all correspondence, statements, reports, work papers, results of tests or examinations, notes, drawings, and photographs.

8. All test results, reports, and photographs provided to you, your counsel, or your testifying expert that relate to the occurrence in question.

9. All documents pertaining to any claim or action by or on behalf of you regarding the alleged occurrence in this matter.

10. All employment records or communications with any of your past or current employers.

11. All employment records or communications with any of your past current employers relating to your job performance, attendance, termination, discharge, or any other aspect of such employment.

12. All of your income tax returns, W-2 forms, and other schedules filed by you or on your behalf with any state department of revenue and/or the Internal Revenue Service for five years before the date of the incident alleged in the complaint through the present.

13. Any report or writing in your possession prepared or signed by an agent of the defendants regarding the facts and circumstances relating to the occurrence alleged in your Complaint.

14. All instruments, agreements, and releases evidencing a settlement or release between you and any other person or entity concerning the occurrence made the basis of this lawsuit.

15. All documents identified or listed in your answers to the interrogatories served contemporaneously herewith.

16. A copy of your driver license.

17. An original photograph of you alone.

18. All medical records and bills in your possession, custody, or control that relate to your mind or body in any manner, including all records arising out of this incident.

19. All correspondence with the Defendant in your possession, custody, or control.

20. Any receipts, paid checks, or credit card statements that reflect expenses you have incurred in relation to the facts and circumstances alleged in your complaint.

21. All documents, memoranda, correspondence, reports, photographs, videotapes, drawings, maps, diagrams, and other tangible things received from any experts you have consulted or retained for this case.

22. All documents, correspondence, reports, memoranda, photographs, videotapes, drawings, maps, diagrams, and other tangible things you have given to any experts you have consulted or retained in this case.

23. All documents which reflect that there was a contract, agreement, or business relationship between you and the defendant.

This the ____ day of October, 2006.

Todd Derrick DER006
Attorney for Defendant
Town of Clayton

OF COUNSEL:

COBB, SHEALY, CRUM, DERRICK & PIKE, P.A.
Post Office Box 6346
Dothan, Alabama 36302-6346
Telephone (334) 677-3000
Fax (334) 677-0030

CERTIFICATE OF SERVICE

I do hereby certify that I have this day mailed a copy of the foregoing, postage prepaid and properly addressed, to:

Malcolm R. Newman, Esquire
Post Office Box 6137
Dothan, Alabama 36302
(334) 792-2132

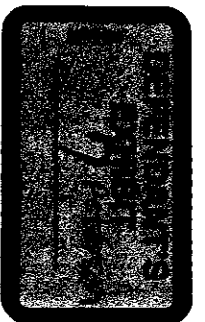
This the _____ day of October, 2006.

Todd Derrick

cc:

Court Reporting Associates
Post Office Box 1995
Dothan, Alabama 36302

2004


CLAYTON POLICE DEPARTMENT

Date	12/10	12/11	12/12	12/13	12/14	12/15	12/16	Total
	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	
Chief Williams 6B-1	OFF	7am-11am 4	7am-3pm 8	7am-3:15pm 8	7am-3pm 8	7am-3pm 8	7am-3pm 8	44
Assistant Chief Peterson 6B-2	8pm-2am 8	7:15am 7:30pm 12	3am-11pm 8	5:12am 11:30am 8	5pm-11am 8	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]	44
Officer Moore 6B-10	7am-7pm 12					3pm-11pm 9		21
Officer Lightner 6B-5	11pm-7pm 8	OFF	OFF	11pm-7am 8	3pm-11pm 8	11pm-7am 8	11pm-7am 8	40
Officer Hammond 6B-11			11pm-7am 8					8
Officer Miller 6B-6								
Officer Camarata 6B-7		7pm-7am 12					8am-11pm 9	21
Officer Weaver 6B-10								

CLAYTON POLICE DEPARTMENT

2004

CLAYTON POLICE DEPARTMENT

	Date							Total
	12/24	12/25	12/26	12/27	12/28	12/29	12/30	
	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	
Chief Williams 6B-1	7am-3pm 8 HOLIDAY	7am-3pm 8 HOLIDAY	OFF	OFF	7am-3pm 8	7am-3pm 8	OFF	32
Assistant Chief Peterson 6B-2	2:30pm-11pm 8.5 HOLIDAY		3pm-11pm 8	5pm-1am 8	5pm-1am 8	5pm-1am 8	5pm-2am 9	49.5
Officer Moore 6B-10	6pm-3am 8 HOLIDAY	3pm-11pm 8 HOLIDAY	7am-3pm 8	7am-3pm 8			7pm-3pm 8	40
Officer Lightner 6B-5	11pm-7am 8 HOLIDAY	11pm-7am 8	11pm-7am 8	3pm-5pm 2	3pm-5pm 2	3pm-5pm 2	11pm-7am 8	38
Officer Hammond 6B-11								
Officer Miller 6B-6				11pm-7am 8	11pm-7am 8	11pm-7am 8		24
Officer Camarata 6B-7								
Officer Weaver 6B-10								

2004

CLAYTON POLICE DEPARTMENT

Date	12/31	1/1	1/2	1/3	1/4	1/5	1/6	Total
Chief Williams 6B-1	7am-3pm 8 HOLIDAY	7am-3pm 8 HOLIDAY	7am-3pm 8	7am-3pm 8	7am-3pm 8	OFF	7am-11pm 16	56
Assistant Chief Peterson 6B-2	3pm-12:30am 9.5 HOLIDAY	3pm-11pm 8 HOLIDAY	3pm-11pm 8	5pm-1am 8	5pm-1am 8 court-12	8am-12pm 12	11pm-3am 16	45.5
Officer Moore 6B-10						3pm-11pm 8		8
Officer Lightner 6B-5	OFF	11pm-7am 8 HOLIDAY	11pm-7am 8	3pm-5am 8 11pm-7am	3pm-5am 8 11pm-7am	7am-3pm 16 11pm-7am	11pm-7am 8	56
Officer Hammond 6B-11	11pm-7am 8 HOLIDAY							8
Officer Miller 6B-6								
Officer Camarata 6B-7								
Officer Weaver 6B-10								

2005

CLAYTON POLICE DEPARTMENT

	Date	1/21	1/22	1/23	1/24	1/25	1/26	1/27	Total
	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday		
Chief Williams 6B-1	OFF	OFF	7-3 8	7am-11am HOLIDAY	2-3 8	7-6 11	OFF	31	
Assistant Chief Peterson 6B-2	5-1 8	3-11 8	8-11am HOLIDAY	8-11am HOLIDAY	5-1 7	8-11am HOLIDAY	5-1 8	31	
Officer Moore 6B-10	7-4 9	7-3 8	3-11 8	3-11 8 HOLIDAY			7-3 8	41	
Officer Lightner 6B-5	3-5 1-7 8	OFF	OFF	11-7 8 HOLIDAY	11-7 8	8-5 12	3-5 1-7 8	44	
Officer Hammond 6B-11		11-7 8		7-3 8 HOLIDAY			Due 8 hrs. from prev. pay period	24	
Officer Miller 6B-6			7-7 12					12	
Officer Camarata 6B-7									
Officer Weaver 6B-10									

2005

CLAYTON POLICE DEPARTMENT

	Date							Total
	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	
Chief Williams 6B-1	7-3 8	7-3 8	7-3 8	7-3 8	7-3 8	7-3 8	7-3 8	56
Assistant Chief Peterson 6B-2	5-1 8	5-1 8	5-1 8	5-1 8	5-1 8	5-1 8	5-1 8	40
Officer Moore 6B-10		3-11 8	3-11 8					16
Officer Lightner 6B-5	3-5 1-7 8	OFF	11-7 8	3-5 1-7 8	3-5 1-7 8	3-5 1-7 8	3-5 1-7 8	48
Officer Hammond 6B-11		11-7 8						8
Officer Miller 6B-6								
Officer Camarata 6B-7								
Officer Weaver 6B-10								

Date	1/21	1/22	1/23	1/24	1/25	1/26	1/27	Total
	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	
Chief Williams 6B-1	OFF	7am-3pm 8	7am-3pm 8	7am-5pm 10	7am-5pm 10	7am-9am 2	7am-2pm 7	45
Assistant Chief Peterson 6B-2	3pm-7pm 8	3pm-11pm 8	2:30pm-11pm 8.5	[REDACTED]	[REDACTED]	[REDACTED]	5pm-1am 8	32.5
Officer Moore 6B-10	7am-3pm 8					4am-5pm 8		16
Officer Lightner 6B-5	OFF		11pm-7am 8	11pm-7am 8	12am-7am 7	12am-7am 7	3pm-5pm 1am-7am 8	38
Officer Hammond 6B-11	THURS. 7pm-7am 12 ←	11pm-7am 8				7am-11am 4		24
Officer Miller 6B-6	11pm-7am 8							8
Officer J. Frost 6B-3				5pm-12am 7	5pm-12:30am 7.5	5pm-12am 7		21.5
Officer Weaver 6B-10								

Total

2005

CLAYTON POLICE DEPARTMENT

	Date							Total
	1/28	1/29	1/30	1/31	2/1	2/2	2/3	
	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	
Chief Williams 6B-1	7am-3pm 8	Off	12am-4am 4	3am-12pm 9	7am-5pm 10	7am-5pm 10	7am-5pm 8	49
Assistant Chief Peterson 6B-2	5pm-1am 8	3pm-11pm 8	2:30pm-11pm 8.5	5pm-1am 8	not	not	5pm-1am 8	40.5
Officer Moore 6B-10		7am-3pm 8	7am-3pm 8					16
Officer Lightner 6B-5	3pm-5pm 9pm-7am 12	Off		12pm-5pm 1am-7am 11	12am-7am 7	12am-7am 7	3pm-5pm 1am-7am 8	45
Officer Hammond 6B-11	1am-7am 6	11pm-7am 8	11pm-6am 7					21
Officer Miller 6B-6								
Officer J. Frost 6B-3					5pm-12am 7	5pm-12am 7		14
Officer Weaver 6B-10								

64

Clayton Police Department

Time Sheet

ASST.
CHIEF

NAME: RICHARD PETERSONID#: GB-2PAY PERIOD BEGINNING: 2/4/05PAY PERIOD ENDING: 2/17/05

WORK HOURS WEEK ONE

DATE: <u>2/4/05</u>	IN: <u>3:20 pm</u>	OUT: <u>11:20 pm</u>	TOTAL: <u>8</u>
DATE: <u>2/5/05</u>	IN: <u>[REDACTED]</u>	OUT: <u>[REDACTED]</u>	TOTAL: <u>8</u>
DATE: <u>2/6/05</u>	IN: <u>[REDACTED]</u>	OUT: <u>[REDACTED]</u>	TOTAL: <u>8</u>
DATE: <u>2/7/05</u>	IN: <u>OFF</u>	OUT: <u>[REDACTED]</u>	TOTAL: <u>0</u>
DATE: <u>2/8/05</u>	IN: <u>OFF</u>	OUT: <u>[REDACTED]</u>	TOTAL: <u>0</u>
DATE: <u>2/9/05</u>	IN: <u>[REDACTED]</u>	OUT: <u>[REDACTED]</u>	TOTAL: <u>8</u>
DATE: <u>2/10/05</u>	IN: <u>2:00 pm</u>	OUT: <u>11:00 pm</u>	TOTAL: <u>9</u>

TOTAL 41 HOURS

WORK HOURS WEEK TWO

DATE: <u>2/11/05</u>	IN: <u>5:00 pm</u>	OUT: <u>1:00 AM</u>	TOTAL: <u>8</u>
DATE: <u>2/12/05</u>	IN: <u>3:00 pm</u>	OUT: <u>11:00 pm</u>	TOTAL: <u>8</u>
DATE: <u>2/13/05</u>	IN: <u>3:00 pm</u>	OUT: <u>7:00 am 2/14</u>	TOTAL: <u>11 1/2</u>
DATE: <u>2/14/05</u>	IN: <u>5:15 pm</u>	OUT: <u>1:15 AM</u>	TOTAL: <u>8</u>
DATE: <u>2/15/05</u>	IN: <u>5:00 pm</u>	OUT: <u>1:00 AM</u>	TOTAL: <u>8</u>
DATE: <u>[REDACTED]</u>	IN: <u>[REDACTED]</u>	OUT: <u>[REDACTED]</u>	TOTAL: <u>0</u>
DATE: <u>2/17/05</u>	IN: <u>[REDACTED]</u>	OUT: <u>[REDACTED]</u>	TOTAL: <u>[REDACTED]</u>

TOTAL 48 HRS

EMPLOYEE SIGNATURE: [Signature]

Clayton Police Department

Time Sheet

ASST. CHIEF
NAME: RICHARD PETERSON

ID#: 602

PAY PERIOD BEGINNING: 2/17/05
PAY PERIOD ENDING: 3/3/05

WORK HOURS WEEK ONE

DATE: <u>2/17/05</u>	IN: <u>5:15 pm</u>	OUT: <u>1:15 am</u>	TOTAL: <u>8</u>
DATE: <u>2/18/05</u>	IN: <u>5:00 pm</u>	OUT: <u>1:00 am</u>	TOTAL: <u>8</u>
DATE: <u>2/19/05</u>	IN: <u>3:00 pm</u>	OUT: <u>11:00 pm</u>	TOTAL: <u>8</u>
DATE: <u>2/20/05</u>	IN: <u>3:00 pm</u>	OUT: <u>11:00 pm</u>	TOTAL: <u>8</u>
DATE: <u>2/21/05</u>	IN: <u>OFF</u>	OUT: <u>OFF</u>	TOTAL: <u>0</u>
DATE: <u>2/22/05</u>	IN: <u>OFF</u>	OUT: <u>OFF</u>	TOTAL: <u>0</u>
DATE: <u>2/23/05</u>	IN: <u>5:13 pm</u>	OUT: <u>1:17 am</u>	TOTAL: <u>8</u>
DATE: <u>2/24/05</u>	IN: <u>5:00 pm</u>	OUT: <u>1:00 am</u>	TOTAL: <u>8</u>

48

WORK HOURS WEEK TWO

DATE: <u>2/25/05</u>	IN: <u>OFF</u>	OUT: <u>OFF</u>	TOTAL: <u>0</u>
DATE: <u>2/26/05</u>	IN: <u>OFF</u>	OUT: <u>OFF</u>	TOTAL: <u>0</u>
DATE: <u>2/27/05</u>	IN: <u>2:45 pm</u>	OUT: <u>11:00 pm</u>	TOTAL: <u>8.25</u>
DATE: <u>2/28/05</u>	IN: <u>5:00 pm</u>	OUT: <u>1:00 am</u>	TOTAL: <u>8</u>
DATE: <u>3/1/05</u>	IN: <u>5:00 pm</u>	OUT: <u>1:00 am</u>	TOTAL: <u>8</u>
DATE: <u>3/2/05</u>	IN: <u>5:00 pm</u>	OUT: <u>1:00 am</u>	TOTAL: <u>8</u>
DATE: <u>3/3/05</u>	IN: <u>OFF</u>	OUT: <u>OFF</u>	TOTAL: <u>0</u>

32.25
48
80.25

EMPLOYEE SIGNATURE: Richard Peterson

Clayton Police Department

Time Sheet

ASSISTANT CHIEF

NAME: RICHARD PETERSONID#: 652PAY PERIOD BEGINNING: MARCH 3, 2005PAY PERIOD ENDING: MARCH 17, 2005

WORK HOURS WEEK ONE

DATE	IN	OUT	TOTAL	REMARKS
DATE: <u>3/3/05</u>				
	5:00 p.m.	8:00 p.m.	3 HRS	ROBBERY INVESTIGATION
DATE: <u>3/4/05</u>	IN: <u>OFF DAY</u>	OUT: <u>—</u>	TOTAL: <u>0</u>	
DATE: <u>3/5/05</u>	IN: <u>—</u>	OUT: <u>DRILL</u>	TOTAL: <u>8 HRS</u>	
DATE: <u>3/6/05</u>	IN: <u>—</u>	OUT: <u>DRILL</u>	TOTAL: <u>8 HRS</u>	
DATE: <u>3/7/05</u>	IN: <u>5:00 p.m.</u>	OUT: <u>1:00 a.m.</u>	TOTAL: <u>8 HRS</u>	
DATE: <u>3/8/05</u>	IN: <u>5:00 p.m.</u>	OUT: <u>1:00 a.m.</u>	TOTAL: <u>8 HRS</u>	
DATE: <u>3/9/05</u>	IN: <u>5:00 p.m.</u>	OUT: <u>2:00 a.m.</u>	TOTAL: <u>9 HRS</u>	
DATE: <u>3/10/05</u>	IN: <u>2:00 p.m.</u>	OUT: <u>11:00 p.m.</u>	TOTAL: <u>9 HRS</u>	
			TOTAL: <u>53 HRS</u>	

WORK HOURS WEEK TWO

DATE	IN	OUT	TOTAL
DATE: <u>3/11/05</u>	IN: <u>5:00 p.m.</u>	OUT: <u>3:00 a.m.</u>	TOTAL: <u>10 HRS</u>
DATE: <u>3/12/05</u>	IN: <u>3:00 p.m.</u>	OUT: <u>11:00 p.m.</u>	TOTAL: <u>8</u>
DATE: <u>3/13/05</u>	IN: <u>OFF DAY</u>	OUT: <u>—</u>	TOTAL: <u>0</u>
DATE: <u>3/14/05</u>	IN: <u>5:00 p.m.</u>	OUT: <u>1:00 a.m.</u>	TOTAL: <u>8</u>
DATE: <u>3/15/05</u>	IN: <u>OFF DAY</u>	OUT: <u>—</u>	TOTAL: <u>0</u>
DATE: <u>3/16/05</u>	IN: <u>OFF DAY</u>	OUT: <u>—</u>	TOTAL: <u>0</u>
DATE: <u>3/17/05</u>	IN: <u>5:00 p.m.</u>	OUT: <u>1:00 a.m.</u>	TOTAL: <u>8</u>
			TOTAL: <u>34 HRS</u>

71 Hours

EMPLOYEE SIGNATURE: Richard Peterson

Clayton Police Department

Time Sheet

NAME: ASST CHIEF
RICHARD PETERSON

ID#: 682

PAY PERIOD BEGINNING: 3/18/05

PAY PERIOD ENDING: 3/30/05

WORK HOURS WEEK ONE

DATE: <u>3/18/05</u>	IN: <u>5:00 PM</u>	OUT: <u>2:00 PM</u>	TOTAL: <u>9</u>
DATE: <u>3/19/05</u>	IN: <u>[REDACTED]</u>	OUT: <u>—</u>	TOTAL: <u>8 Comp.</u>
DATE: <u>3/20/05</u>	IN: <u>[REDACTED]</u>	OUT: <u>—</u>	TOTAL: <u>8 Comp.</u>
DATE: <u>3/21/05</u>	IN: <u>5:20 PM</u>	OUT: <u>1:00 AM</u>	TOTAL: <u>8</u>
DATE: <u>3/22/05</u>	IN: <u>5:00 PM</u>	OUT: <u>1:00 AM</u>	TOTAL: <u>8</u>
DATE: <u>3/23/05</u>	IN: <u>[REDACTED]</u>	OUT: <u>—</u>	TOTAL: <u>0</u>
DATE: <u>3/24/05</u>	IN: <u>[REDACTED]</u>	OUT: <u>—</u>	TOTAL: <u>0</u>

41 HRS 25 hr

WORK HOURS WEEK TWO

DATE: <u>3/25/05</u>	IN: <u>Sick Day</u>	OUT: <u>—</u>	TOTAL: <u>8</u>
DATE: <u>3/26/05</u>	IN: <u>Sick Day</u>	OUT: <u>—</u>	TOTAL: <u>8</u>
DATE: <u>3/27/05</u>	IN: <u>Sick Day</u>	OUT: <u>—</u>	TOTAL: <u>8</u>
DATE: <u>3/28/05</u>	IN: <u>Sick Day</u>	OUT: <u>—</u>	TOTAL: <u>8</u>
DATE: <u>3/29/05</u>	IN: <u>Sick Day</u>	OUT: <u>—</u>	TOTAL: <u>8</u>
DATE: <u>3/30/05</u>	IN: <u>5:00 PM</u>	OUT: <u>1:00 PM</u>	TOTAL: <u>8</u>
DATE: <u>3/31/05</u>	IN: <u>[REDACTED]</u>	OUT: <u>[REDACTED]</u>	TOTAL: <u>[REDACTED]</u>

48 HRS

210 hr 50. 8 hr 10 min

EMPLOYEE SIGNATURE: Richard Peterson

3/31/05 - Paid Peterson 32 working hours

32 hr worked

Reduced Sick Leave Available by
40 hours (Available Sick Leave 269.04 minus 40 hr = 229.04)

Clayton Police Department

Time Sheet

NAME: ASSISTANT CHIEF RICHARD PETER ID#: 662PAY PERIOD BEGINNING: 4-1-05PAY PERIOD ENDING: 4-15-05

WORK HOURS WEEK ONE

DATE:	<u>4-1-05</u>	IN:	<u>[REDACTED]</u>	OUT:	<u>[REDACTED]</u>	TOTAL:	<u>0</u>
DATE:	<u>4-2-05</u>	IN:	<u>[REDACTED]</u>	OUT:	<u>DRILL</u>	TOTAL:	<u>8</u>
DATE:	<u>4-3-05</u>	IN:	<u>[REDACTED]</u>	OUT:	<u>DRILL</u>	TOTAL:	<u>8</u>
DATE:	<u>4-4-05</u>	IN:	<u>4:30 p.m.</u>	OUT:	<u>12:30 AM</u>	TOTAL:	<u>8</u>
DATE:	<u>4-5-05</u>	IN:	<u>4:00 p.m.</u>	OUT:	<u>12:40 AM</u>	TOTAL:	<u>8</u>
DATE:	<u>4-6-05</u>	IN:	<u>5:00 p.m.</u>	OUT:	<u>1:00 AM</u>	TOTAL:	<u>8</u>
DATE:	<u>4-7-05</u>	IN:	<u>5:00 p.m.</u>	OUT:	<u>1:00 AM</u>	TOTAL:	<u>8</u>

Actual
32

48 HRS

WORK HOURS WEEK TWO

DATE:	<u>4-8-05</u>	IN:	<u>[REDACTED]</u>	OUT:	<u>[REDACTED]</u>	TOTAL:	<u>0</u>
DATE:	<u>4-9-05</u>	IN:	<u>[REDACTED]</u>	OUT:	<u>[REDACTED]</u>	TOTAL:	<u>0</u>
DATE:	<u>4-10-05</u>	IN:	<u>[REDACTED]</u>	OUT:	<u>[REDACTED]</u>	TOTAL:	<u>8</u>
DATE:	<u>4-11-05</u>	IN:	<u>3:00 p.m.</u>	OUT:	<u>2:00 AM</u>	TOTAL:	<u>9</u>
DATE:	<u>4-12-05</u>	IN:	<u>5:00 p.m.</u>	OUT:	<u>1:00 AM</u>	TOTAL:	<u>8</u>
DATE:	<u>4-13-05</u>	IN:	<u>5:00 p.m.</u>	OUT:	<u>1:00 AM</u>	TOTAL:	<u>8</u>
DATE:	<u>4-14-05</u>	IN:	<u>5:00 p.m.</u>	OUT:	<u>1:00 AM</u>	TOTAL:	<u>8</u>

Actual

33

66

41 HRS

89

EMPLOYEE SIGNATURE: Richard Peter

Clayton Police Department

Time Sheet

NAME: ASSISTANT CHIEF
RICHARD PETERSONID#: 682PAY PERIOD BEGINNING: 4/15/05
PAY PERIOD ENDING: 4/28/05

WORK HOURS WEEK ONE

DATE: <u>4/15/05</u>	IN: <u>5:00pm</u>	OUT: <u>1:00 Am</u>	TOTAL: <u>8</u>	<u>C.5</u>	
DATE: <u>4/16/05</u>	IN: <u>OFF</u>	OUT: <u>OFF</u>	TOTAL: <u>0</u>		
DATE: <u>4/17/05</u>	IN: <u>OFF</u>	OUT: <u>OFF</u>	TOTAL: <u>0</u>		
DATE: <u>4/18/05</u>	IN: <u>5:00pm</u>	OUT: <u>1:00 Am</u>	TOTAL: <u>8</u>	<u>C.5</u>	
DATE: <u>4/19/05</u>	IN: <u>5:00pm</u>	OUT: <u>2:00 Am</u>	TOTAL: <u>8</u>		
DATE: <u>4/20/05</u>	IN: <u>5:00 p.m</u>	OUT: <u>1:30 A.M.</u>	TOTAL: <u>8.5</u>	<u>C.5</u>	<u>26</u>
DATE: <u>4/21/05</u>	IN: <u>5:00 p.m.</u>	OUT: <u>1:00 A.M.</u>	TOTAL: <u>8</u>	<u>C.5</u>	<u>19</u>
					<u>45</u>
					<u>35</u>

WORK HOURS WEEK TWO

DATE: <u>4/22/05</u>	IN: <u>5:00pm</u>	OUT: <u>1:00 Am</u>	TOTAL: <u>8</u>	<u>C.5</u>	
DATE: <u>4/23/05</u>	IN: <u>3:00 PM</u>	OUT: <u>11:00 PM</u>	TOTAL: <u>8</u>	<u>C.5</u>	
DATE: <u>4/24/05</u>	IN: <u>OFF</u>	OUT: <u>OFF</u>	TOTAL: <u>0</u>		
DATE: <u>4/25/05</u>	IN: <u>OFF</u>	OUT: <u>OFF</u>	TOTAL: <u>0</u>		
DATE: <u>4/26/05</u>	IN: <u>5:00pm</u>	OUT: <u>1:00 Am</u>	TOTAL: <u>8</u>	<u>C.5</u>	
DATE: <u>4/27/05</u>	IN: <u>5:00 p.m.</u>	OUT: <u>1:00 Am</u>	TOTAL: <u>8</u>		
DATE: <u>4/28/05</u>	IN: <u>7:00 AM</u>	OUT: <u>11:00 PM</u>	TOTAL: <u>16</u>		<u>SHIFT & TRAINING</u>

TOTAL HOURS 89.5

45

EMPLOYEE SIGNATURE: Asst. Chief Richard Peterson

Actual total - 80

Clayton Police Department

Time Sheet

NAME: ASST. CHIEF
RICHARD PETERSONID#: 682PAY PERIOD BEGINNING: 4-29-05PAY PERIOD ENDING: 5-12-05

WORK HOURS WEEK ONE

DATE: <u>4-29-05</u>	IN: <u>5:00pm</u>	OUT: <u>1:00am</u>	TOTAL: <u>8</u>
DATE: <u>4-30-05</u>	IN: <u>Camp Day</u>	OUT: <u>—</u>	TOTAL: <u>8</u>
DATE: <u>5-1-05</u>	IN: <u>3:00pm</u>	OUT: <u>11:00pm</u>	TOTAL: <u>8</u>
DATE: <u>5-2-05</u>	IN: <u>OFF</u>	OUT: <u>—</u>	TOTAL: <u>—</u>
DATE: <u>5-3-05</u>	IN: <u>OFF</u>	OUT: <u>—</u>	TOTAL: <u>—</u>
DATE: <u>5-4-05</u>	IN: <u>5:00pm</u>	OUT: <u>1:00am</u>	TOTAL: <u>8</u>
DATE: <u>5-5-05</u>	IN: <u>5:00pm</u>	OUT: <u>1:00am</u>	TOTAL: <u>8</u>

WORK HOURS WEEK TWO

DATE: <u>5-6-05</u>	IN: <u>5:00pm</u>	OUT: <u>1:00am</u>	TOTAL: <u>8</u>
DATE: <u>5-7-05</u>	IN: <u>3:00pm</u>	OUT: <u>11:00pm</u>	TOTAL: <u>8</u>
DATE: <u>5-8-05</u>	IN: <u>3:00pm</u>	OUT: <u>11:00pm</u>	TOTAL: <u>8</u>
DATE: <u>5-9-05</u>	IN: <u>3:00pm</u>	OUT: <u>11:00pm</u>	TOTAL: <u>8</u>
DATE: <u>5-10-05</u>	IN: <u>OFF</u>	OUT: <u>—</u>	TOTAL: <u>—</u>
DATE: <u>5-11-05</u>	IN: <u>OFF</u>	OUT: <u>—</u>	TOTAL: <u>—</u>
DATE: <u>5-12-05</u>	IN: <u>5:00pm</u>	OUT: <u>1:00am</u>	TOTAL: <u>8</u>

40 HRS
- 8 hrs. comp
32 -

40 HRS
32

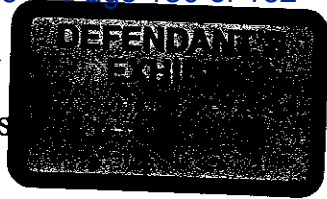
EMPLOYEE SIGNATURE: Richard Peterson

80 TOTAL

72 TOTAL

64

TOWN OF CLAYTON
COUNCIL MEETING
COUNCIL CHAMBERS
DECEMBER 13, 2004



The regular meeting of the Town Council, Town of Clayton, Alabama, was held in Council Chambers on Monday, December 13, 2004, at 6:00 p.m. Present for roll call were Mayor Shug Rowland, Councilmen, Leroy Rumph, Carl Garner, James L. Smith Jr. and Councilwoman Earnestine Youngblood. Absent Councilman Charles Beasley. Also present was Town Clerk T. K. Killingsworth. Councilman Charles Beasley arrived at 6:10 p.m.

VISITORS: Joe McKinnes, Eddie Lowe, Richard Pearson, Charles Rodgers.

AGENDA: Councilman James L. Smith made a motion to approve the agenda. Councilman Carl Garner seconded the Motion. The motion carried,

MINUTES. Councilman James L. Smith Jr. made a motion to dispense with the reading of the minutes and to approve the minutes of the regular meeting of August 2, 2004, Special meeting of August 16, 2004, Special meeting of August 24, 2004, Regular meeting of September 13, 2004, Special meeting of September 14, 2004 and Organizational meeting of October 2004. Councilman Leroy Rumph seconded the motion. The motion carried.

REPORTS FROM DEPARTMENT HEADS: Chief of Police Jamey Williams stated that he had a Sheriff Deputy working part time due to being one man short. Chief Williams stated that Assistant Chief Richard Peterson had taken a job with the State of Alabama.

Street & Sanitation Supervisor Joe McKinnes stated he had no report.

FINANCE COMMITTEE: Councilman Carl Garner stated that the budget was still in a deficit.

PERSONNEL COMMITTEE: Councilman James L. Smith Jr. stated Avie Lohman was working 3 days a week because the Town Council had allowed him to work part time. Mayor Shug Rowland stated the Town needed a full time person. Councilman Charles Beasley asks if Avie Lohman retired what was the Town going to give him. Councilman Charles Beasley proposed to give Avie Lohman one-year salary. Councilman Charles Beasley made a motion to table the matter. Motion died due to lack of second. Councilman James L. Smith Jr. made a motion to offer Avie Lohman full time 5 days a week and retract the 3 days week that he has been allowed to work starting January 3, 2005. Councilman Charles Beasley seconded the motion. The motion carried.

Mayor Rowland stated he sent Richard Peterson a letter to attend the Council meeting and added Richard Peterson to the personnel committee to bring up to council. Mayor Rowland reported on November 29, 2004 Richard Peterson started full time work with the State of Alabama and the week prior the Clayton Police Department went to 8 hour shifts. Mayor Rowland stated the day Richard Peterson took the job with the State of Alabama he reported to work for the Town of Clayton around 5:00 or 6:00 p.m. and he worked only 5 hours on November 30, 2004 he worked only 4.5 hours, December 1, 2004 4 hours, December 2, 2004 4.5 hours. Mayor Rowland stated that Richard Peterson only worked 14 hours in a four-day period and should have worked 24 hours. Mayor Rowland stated Richard Peterson call in to be off on December 3, 2004 and then on the weekend Richard Peterson had drill and December 6, 7, was his days off then on Wednesday he came in and worked 4 hours, Thursday worked 4 hours. Mayor Rowland stated Richard Peterson had been working for the Town of Hurtsboro and was now working for the State of Alabama. Mayor Rowland stated he had no problem with Richard Peterson working out side as long as it did not interfere with his job with the Town of Clayton. Mayor Rowland stated that Richard Peterson was not working full time with the Town of Clayton and that he told Richard Peterson he had to option of working with the State full Time and the Town of Clayton part time or Working with the Town of Clayton full time or the State part time.

James L. Smith made a motion to adopt the 8-hour shift for the Police Department. Councilman Carl Garner seconded the motion. The motion carried with Councilman Charles Beasley voting no. Councilman Charles Beasley made a motion Richard Peterson appears before the Personnel committee; Motion died due to lack of second. Councilman James L. Smith Jr. stated that each Police officer should sign his own time sheet and sign in and out.

PUBLIC BUILDINGS, STREETS, UTILITIES AND VEHICLES: Junk Vehicle Ordinance. Mayor Rowland stated would like to table matter until January 2005 meeting. James L. Smith made a motion to table the matter till January meeting. Councilman Leroy Rumph seconded the motion.

EDUCATION, LIBRARY AND ZONING: No Report

PARKS, RECREATION AND AIRPORT: No Report

MAYOR ROWLAND: Holiday schedule for Christmas and New Years. Councilman James L. Smith Jr. made a motion Christmas Holidays be December 23 and 24 and New Years Holiday be Friday December 31, Councilman Charles Beasley seconded the motion. The motion carried.

Mayor Rowland stated the cost for Christmas gifts for employees would be \$194.40 and has been paid by the Mayor. The Mayor asks for contributions from the Town Council.

Mayor Rowland gave an update of Walking Trail. Mayor Rowland stated DOT had called and stated that the project needs to be stated or give up the grant for the project.

Mayor Rowland stated that Walter Clayton's term on the Water Board had expired and he was asking for nominations. The following persons were nominated Alice Hudson, Jackson Glover, and Eugene West. Councilman Charles Beasley made a motion the nominations be closed. Councilwoman Earnestine Youngblood seconded the motion. The motion carried. Councilman James L. Smith Jr. made a motion the election be tabled till January 2005. Councilman Carl Garner seconded the motion. The motion carried.

Rescue Squad: Ken Killingsworth stated the rescue squad had billed \$68875.00 and collected \$16404.12 and had written off \$7,384.00.

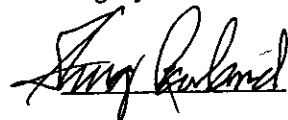
OLD BUSINESS Liquor License for Eddie Lowe d/b/a Lowe's Lounge.

Councilman James L. Smith Jr. made a motion that that Aye would be for granting Liquor License and Nay would be for voting against License. Councilman Carl Garner seconded the motion. Voting Aye Councilman Beasley Voting Nay Councilman Carl Garner, James L. Smith Jr. Abstaining Mayor Shug Rowland Councilman Leroy Rumph Councilwoman Earnestine Youngblood.

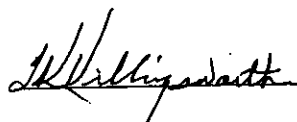
Councilman Charles Beasley made a motion to grant the liquor license to Lowe's Lounge. Councilman Leroy Rumph seconded the motion. The roll call vote was as follows. Voting Aye Councilman Leroy Rumph, Charles Beasley. Voting Nay Councilman Carl Garner, James L. Smith Jr. and Councilwoman Earnestine Youngblood. Abstaining Mayor Shug Rowland

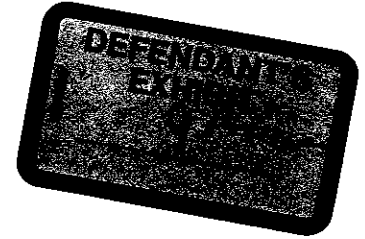
CURRENT BILLS: councilman James L. Smith Jr. made a motion to pay all current bills as presented to the Town Council. Councilman Carl Garner seconded the motion. The motion carried.

ADJOURNMENT: councilman James L. Smith Jr. made a motion the meeting be adjourned. Mayor Shug Rowland declared the meeting adjourned at 8:27 p.m.

 Mayor

Attest:

 Town Clerk



TO: *Honorable Clayton Town Council
C/o Mayor Protem Leroy Rumph*

FROM: *Assistant Chief Richard Peterson*

REF: *Letter of Grievance*

DATE: *January 11, 2005*


This letter is to serve as a formal complaint of Grievance against Mayor Shug Rowland. Below is a list of complaints and allegations of incident that leads to my having no other alternative except to take this action. I fill that it's in my best interest to take this action at this time because it appears that Mayor Rowland intentions are Racially motivated, politically motivated and he is clearly using his position as Mayor to accomplish his intended goals. Thanks in advance for each of your prompt attention to this matter of importance.

Complaints and Allegations

- 1. 12/02/04 @ 10:00 p.m. I (Assistant Chief Richard Peterson) were Threaten and Harass by Mayor Shug Rowland.*
- 2. 12/10/04 @ 9:30 p.m. I (Assistant Chief Richard Peterson) was harass on the job by Mayor Rowland after a home Barbour County Basketball Game.*
- 3. 12/12/04 @ 3:00 p.m. I (Assistant Chief Richard Peterson) were given a letter that was meant to intimidate me as well as to belittle me by reducing my rank to officer Richard Peterson.*
- 4. 12/13/04 in an attempt to continue his intimidation , several untrue statements were listed in the Clayton Record quoted as Mayor Rowland statements.*
- 5. 12/14/04 @ 8:15 p.m. I (Assistant Chief Richard Peterson) were subject to more of Mayor Rowland harassment and intimidation.*
- 6. 12/15/04 @ 12:55 a.m. I (Assistant Chief Richard Peterson) again were subjected to Mayor Rowland harassment.*
- 7. 01/10/05 @ 7: 45 p.m. I (Assistant Chief Richard Peterson) were once again subjected to Mayor Rowland harassment.*

8. 01/10/04 @ 11:44 p.m. I (Assistant Chief Richard Peterson) were harassed by Mayor Rowland once again it has to stop!


Sincerely,


Richard Peterson
Assistant Chief of Police

TOWN OF CLAYTON

P.O. BOX 385, CLAYTON, ALABAMA 36016 PHONE 334-775-9176 FAX 334-775-8423

MEMO

DATE: March 10, 2005
TO: Assistant Police Chief Richard Peterson
FROM: Mayor Shug Rowland 
RE: Discuss current employment status

Your presence is required at the Council Meeting, Monday, March 14, 2005 at 6:00 p.m.



TOWN OF CLAYTON

P.O. BOX 385, CLAYTON, ALABAMA 36016 PHONE 334-775-9176 FAX 334-775-8423

April 27, 2005

Assistant Chief Richard Peterson

RE: Determination Hearing

Charges: 1. Unsatisfactory Record to Meet Time Frame for Assigned Shift
(3:00 p.m. to 11:00 p.m.)
2. Insubordination

Assistant Chief Peterson:

This letter is to serve notice that a Determination Hearing (please see article VIII, Section 5 of the Employee Handbook enclosed) will be held on Tuesday, May 3, 2005 at the Town Hall at 6:00 p.m. by the Mayor.

This Hearing will be to address the above charges and what action that me be taken.

At the Determination Hearing, you may be accompanied by anyone of your choosing. You may also address these charges either in writing or orally at the Hearing.

Sincerely,



Shug Rowland
Mayor
Town of Clayton

Enclosure

TO: *Mayor Shug Rowland*


FROM: *Assistant Chief Richard Peterson*

REF: *Determination Hearing*

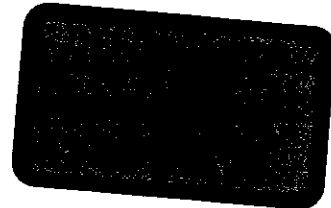
DATE: *May 1, 2005*

This letter is to inform you of my intent to waiver your schedule Determination Hearing for May 3, 2005. This hearing is to be conducted by you as stated in your letter reference the hearing dated April 27, 2005. It is my belief that under the present circumstances and due to my forced actions against you. It is my belief that this hearing cannot be conducted without bias or prejudice toward me. I further believe that this action by you has a pre-set conclusion. It is my intent to appeal to the Clayton Town Council in defense of my rights.

Sincerely,


Assistant Chief Richard Peterson
Clayton Police Department

Cc/ Honorable Clayton Town Council
Town Clerk, Thomas Killingworth
Clayton Record



TOWN OF CLAYTON

P.O. BOX 385, CLAYTON, ALABAMA 36016 PHONE 334-775-9176 FAX 334-775-8423

May 6, 2005

Assistant Chief Richard Peterson
6417 County Road 23
Union Springs, AL 36089

RE: Decision to Terminate

Effective May 9, 2005 your position with the Town of Clayton's Police Department has been terminated.

According to Article VIII, Section 5 of the Employee Handbook, you have the right to appeal this decision to the Town Council by requesting so in writing to the Town Clerk within (5) five working days. If written notice of appeal is not received within (5) five working days upon receipt of this decision, all rights to appeal are extinguished.

Regards,




Shug Rowland
Mayor

SR/se




TO: Thomas Killingworth
Town Clerk

FROM: 
Assistant Chief Richard Peterson

RE: Letter of Appeal

DATE: May 10, 2005

This letter is a formal appeal to Mayor Rowland decision to terminate letter dated May 6, 2005. I request a hearing before the Clayton Town Council without delay. Mayor Rowland actions are unwarranted, unjustified and represent his progressive discrimination toward me since December 2, 2004.

Received in hand this day of ^{may} 10 2005, by 

Received @ 6:40 P. M.



TOWN OF CLAYTON

P.O. BOX 385, CLAYTON, ALABAMA 36016 PHONE 334-775-9176 FAX 334-775-8423

May 13, 2005

Town Council Members
Town of Clayton

RE: Special Call Meeting

Dear Council Members,

Assistant Chief Peterson has filed a timely appeal to the Town Council of Mayor Rowland's decision to terminate his employment. Please refer to your Employee Handbook, Article VIII, and Section 5.

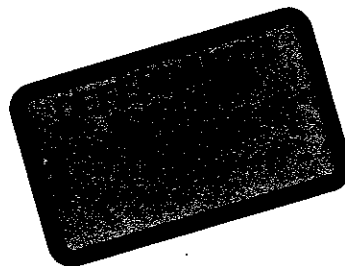
A special council meeting has been set for May 19, 2005 at 6:00 p.m. in the Council Chambers at Town Hall.

This meeting is to review the Mayors decision and consider such evidence as maybe offered in connection with such decision and the charge against the employee at such hearing.

Regards,



T.K. Killingsworth
Town Clerk



STATE OF ALABAMA
CRACK DOWN ON STANDARDS AND TESTING COMPLIANCE
[AN INTERVIEW WITH GUYTON COLEMAN, STATE SENATOR]

(ALL AGENCIES ARE REQUIRED BY RULE 650-X-1-16 (6) TO REPORT THE TERMINATIONS OF LAW ENFORCEMENT OFFICERS WITHIN 10 DAYS)

DEPARTMENT:

AGENCY HEAD:

CONTACT PERSON:

TELEPHONE: 115-9116

OFFICER'S NAME:

SOCIAL SECURITY #:

EMPLOYMENT DATE: 12-3-01

(PLEASE FILL OUT THE APPROPRIATE BLOCK)

L

RETIRED: **YES** **NO** **IF YES, EFFECTIVE DATE:** _____

II.

DECEASED: YES _____ NO IF YES, DATE: _____

III

RESIGNED: YES NO IF YES, EFFECTIVE DATE: _____

WAS THE RESIGNATION

VOLUNTARY

INVOLUNTARY

IF INVOLUNTARY, PLEASE EXPLAIN:

IV.

FIRE: ☒ **YES** ☐ **NO IF YES, EFFECTIVE DATE:** 5-19-85

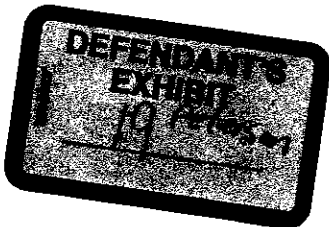
IF YES, PLEASE EXPLAIN:

Y.

MEDICAL / DISABILITY: _____ **YES** _____ **NO**

IF YES, EFFECTIVE DATE:

IF YES, PLEASE EXPLAIN:



SIGNED

CHIEF LAW ENFORCEMENT OFFICER

DATE:

RETURN TO: APOSTC P.O. BOX 300075 MONTGOMERY, AL 36130-0075
OR FAX TO 334-242-4633

POST-8 (REVISED 1/99)

TOWN OF CLAYTON
SPECIAL COUNCIL MEETING
COUNCIL CHAMBERS

MAY 19, 2005

A special meeting of the Town Council, Town of Clayton, Alabama was held in Council Chambers on Friday, May 19, 2005 at 6:00 p.m. The following persons answering roll call were Mayor Shug Rowland, Councilmen Leroy Rumph, Carl Garner, Charles Beasley, James L. Smith and Councilwoman Earnestine Youngblood.

VISITORS: Mary Hoover, Richard Pearson, Michael Lightner, Donna Kent, Robert S. Martin, Benelle Warr, Marshall Williams III, L. C. Monroe, Charlie Jordan, Charlie Rogers, Charlie Rumph, Willie Rumph, Frances Smith, Arthur L. Rumph, Kenneth Williams, Willie B. Gilbert, Robert L. Warr, Tracey Gordon, Brenda Upshaw, Cherry DeVose, Carrie Warren, Clara Person, Gracie M. DeVose.

Mayor Rowland stated the purpose of the meeting is to review the Mayors decision to terminate Assistant Chief Richard Peterson and consider such evidence as may be offered in connection with such decision and the charges against employee at such hearing as outlined Article VIII Section 5 of the employee handbook.

Mayor Rowland stated he visited with Assistant Chief Richard Peterson and told him he did not agree with him holding two full time jobs and not making the start of his shift. Mayor Rowland stated Assistant Chief Peterson had been late for the start of his shift as outlined in the minutes of the Council meeting of December 13, 2004 and Assistant Chief Peterson was still not making the start of his shift. Mayor Rowland stated he had Assistant Chief Peterson to work for the Town full time and the State of Alabama part time or work with the State of Alabama full time and the Town part time.

Assistant Chief Richard Peterson stated Mayor Rowland had racially discriminated against him. Assistant Chief Richard Peterson stated the Mayor was going to force him to work part time.

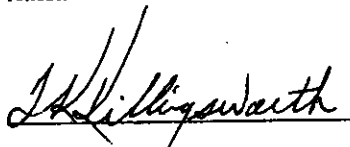
Councilman Charles Beasley made a motion to reinstate Richard Chief Richard Peterson And pay him his back pay, Motion died due to lack of a second.

Councilman James L. Smith Jr. made a motion to up hold the termination of Richard Peterson. Councilman Carl Garner seconded the motion; The roll call vote was as follows. Voting Aye. Councilman Carl Garner, James L. Smith Jr. Councilwoman Earnestine Youngblood with Mayor Shug Rowland voting aye as documenting his position on the issue. Voting Nay Councilman Charles Beasley. Abstaining Councilman Leroy Rumph.

Mayor Shug Rowland declared the meeting adjourned at 7:25 p.m.

 Mayor

Attest:

 Town Clerk

NEWS Sunday, May 22, 2005

Ex-Clayton officer airs allegations

BY SUSAN WALWORTH
Tribune staff writer

Clayton's former assistant police chief has filed complaints with the Equal Employment Opportunity Commission as well as the Alabama attorney general's office.

His action follows his termination (without pay) and the suspension of the police chief, with pay.

"It's a bunch of mess," assistant chief Richardson Peterson said in a phone interview Wednesday. Peterson was fired May 9 after a city council meeting. Mayor Shug Rowland cited an unsatisfactory record to meet the time frame for assigned shift and insubordination as the causes. The termination hearing was set for Thursday night.

Police Chief Jamey Williams did not attend the May 9 council meeting, a requirement of all department heads. According to the Clayton Record, Williams had notified the mayor he was taking his son to the pediatrician in Phenix City. Councilman Leroy Rumph told the council he had seen the chief earlier in the afternoon pulling a boat.

After the meeting, Williams said he saw Rumph and Carl Garner driving by his house, leading him to believe that his reason for not being at the meeting was not legitimate," The Record reported.

Peterson said Williams came to city hall where the mayor and three council members were still gathered, threw his child's vomit-covered clothing down, and told them "You can all kiss my a--."

Rowland, citing the incident, suspended Williams with pay the following day.

The Tribune contacted Rowland as well as Williams, but both declined to comment on the situations. Peterson had plenty to say.

Peterson, who as been in law enforcement for 19 years, said he has never seen anything like this. As for the mayor's allegations of his reporting late to

work, Peterson who also works with the State of Alabama as a special investigator, said the police chief had never had a problem with his schedule. He worked at night while Williams worked the day shift. "I worked 80 hours every two weeks," Peterson said, adding he had worked two jobs since he had been with the force and it had never been a problem until Roland became mayor.

Peterson, who is black, said his dismissal is "political and discriminatory." "It's bad," he said.

**Peterson, who is
black, said his
dismissal is
"political and
discriminatory."**

Peterson alleges Mayor Rowland came to the police department Dec. 2 at 10 p.m. when Peterson was working and threatened to take his job, without giving reasons.

Peterson also claims individuals associated with the mayor, all white males, carry Clayton Police Department badges, although they have never been certified police officers. He said a state trooper stopped one of the men, who had been drinking and he flashed his badge. "That's how they were getting away with stuff," he said.

Peterson alleges the trooper called the Clayton Police Department and asked him to certify the man showing him a badge was in fact a Clayton po-

lice officer. Peterson would not. "It's a felony in Alabama to impersonate a police officer," he said.

Citing another alleged incident from September, Peterson said a local attorney's vehicle was stolen. Peterson, who was investigating the case, said there were no witnesses and no evidence, but the mayor instructed him to arrest a young black man. He refused.

Peterson said the man was later indicted by the grand jury and is in jail now charged with first-degree theft of property, a charge Peterson said requires an eyewitness. Otherwise it's changed to another charge. "Somebody had to testify they saw him," Peterson said.

"There was no such witness unless someone lied to the grand jury."

Peterson said he had interviewed the man who was arrested, and he couldn't understand his Miranda rights. "It wasn't up to me to say he was pretending," he said.

Citing the incidents, Peterson added, "That's what I think the mayor's witch hunt is about. It was definitely not about getting to work on time."

Peterson added he has never been written up and has never had any disciplinary action.

He also claims the mayor wanted to get rid of the police chief but didn't want him (Peterson) to assume the position, so he had to get rid of him before he got rid of the police chief.

Peterson has filed two complaints with the City of Clayton. The first, he said was never addressed and the second, against the mayor was dismissed by the mayor. "I tried to avoid it, (filing complaints with EEOC and the Attorney General's office."

Peterson gave an interview with a Dothan television station Tuesday night.

"I'm not making this up," he said. "This actually happened."

Today's Scripture...

I've chosen Mark 10:35-38, Matt. 16:24

35. And James and John, the sons of Zebedee, come unto Jesus saying, "We would have thee call us."

STATE OF ALABAMA)
)
 BARBOUR COUNTY)

RELEASE

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **Richard Peterson**, for and in consideration of the sum of *one thousand three hundred ninety two* ^{32 - net amount} ~~100~~ ^{32 - net amount} ~~100~~ DOLLARS (\$1,392³²/₁₀₀), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by **Richard Peterson**, this day in hand paid by, or on account of the **Town of Clayton** and any and all other entities of the above-mentioned entities, there being no promises of further benefit or payment to be received, does hereby release and discharge, and by these presents does for his administrators, successors, heirs, attorneys, executors, insurers, and assigns, releases and forever discharge the **Town of Clayton** and any and all other entities of the above-mentioned entities and each of their employees, administrators, successors, heirs, attorneys, executors, insurers, and assigns, both known and unknown, jointly and severally, of and from any and all claims, demands, actions and causes of action, relating to Employment compensation, namely any claims related to "Comp Time".

Richard Peterson understands and agrees that none of the parties hereby released, nor any other party admits or has admitted liability on account of any payment herein received to have been made or otherwise; that it is understood and agreed that this settlement shall never be treated as an admission of liability at any time or in any manner whatsoever; that said Release denies liability and therefore is intended by the **Town of Clayton** and any and all other entities of the above-mentioned entities merely to avoid litigation and to buy them peace.

It is further agreed between the parties to this **RELEASE** THAT THE UNDERSIGNED SHALL FILE NO OTHER LEGAL PROCEEDINGS AS AGAINST SAID Releasees or in any

manner growing out of or arising from the facts and circumstances surround Employment Compensation or "Comp Time".

IN WITNESS WHEREOF, **Richard Peterson** has hereunto caused this instrument to be executed on this the 15th day of July, 2005.

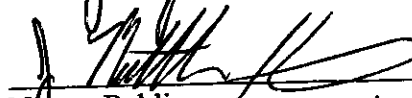

Richard Peterson

STATE OF ALABAMA

BARBOUR COUNTY

I, the undersigned, a Notary Public in and for said State and County, hereby certify that **Richard Peterson**, whose name is signed to the foregoing Release and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily.

Given under my hand this 15 day of July, 2005.


Notary Public
Commission Expires: 6/25/08

APPLICATION FOR EMPLOYMENT**(PRE-EMPLOYMENT QUESTIONNAIRE) (AN EQUAL OPPORTUNITY EMPLOYER)**

Date APRIL 14, 1997
 (Last Name First) PETERSON RICHARD Soc. Sec. No. 416-96-6232
 Address P.O. BOX 189 MIDWAY, AL. 36053 Telephone 334-738-4447
 What kind of work are you applying for? POLICE INVESTIGATOR
 What special qualifications do you have? 11 YEARS AS A ALABAMA STATE TROOPER
 What office machines can you operate? MOST EQUIPMENT USED IN LAW ENFORCEMENT
 Are you 18 years or older? Yes X No _____
 Are you either a U.S. citizen or an alien authorized to work in the United States? Yes X No _____

SPECIAL PURPOSE QUESTIONS

DO NOT ANSWER ANY OF THE QUESTIONS IN THIS FRAMED AREA UNLESS THE EMPLOYER HAS CHECKED A BOX PRECEDING A QUESTION, THEREBY INDICATING THAT THE INFORMATION IS REQUIRED FOR A BONA FIDE OCCUPATIONAL QUALIFICATION, OR DICTATED BY NATIONAL SECURITY LAWS, OR IS NEEDED FOR OTHER LEGALLY PERMISSIBLE REASONS.

- ☐ Height 5 Feet 11 Inches ☐ Weight 165 Lbs. ☐ Are you a U.S. citizen Yes X No _____
☐ Have you been convicted of a felony or misdemeanor within the last 5 years? Yes _____ No X Describe _____
☐ I understand and agree that I may be required to take one or more: ☐ physical examination; ☐ lie detector test(s), as a condition of hiring or continued employment. I agree to consent to take such test(s) at such time as designated by the Company and to release the Company, its directors, officers, agents or employees from any claim arising in connection with the use of such test(s). Yes X No _____
☐ I have been advised that lie detector tests, as a condition of hiring or continued employment, are prohibited by law. Yes X No _____
 *You will not be denied employment solely because of a conviction record, unless the offense is related to the job for which you have applied.

MILITARY SERVICE RECORD

Branch of Service U.S. MARINES Discharge Date 090685 Rank SGT
 Present membership in National Guard or Reserves NO Date obligation ends N/A

EDUCATION

SCHOOL	*NO. OF YEARS ATTENDED	NAME OF SCHOOL	CITY	COURSE	*DID YOU GRADUATE?
GRAMMAR	<u>5</u>	WESTERN HEIGHTS ELEMENTARY	EUFAULA	REGULAR STUDIES	YES
HIGH	<u>4</u>	EUFAULA HIGH	EUFAULA	" "	" "
COLLEGE	<u>2</u>	EUFAULA STATE COLLEGE	EUFAULA	ASSOCIATE DEGREE	YES
OTHER					

*The Age Discrimination in Employment Act of 1967 prohibits discrimination on the basis of age with respect to individuals who are at least 40 years of age.

EXPERIENCE

NAME AND ADDRESS OF COMPANY	DATE		LIST YOUR DUTIES	STARTING SALARY	FINAL SALARY	REASON FOR LEAVING
	FROM	TO				
U.S. MARINES	<u>82</u>	<u>85</u>	MILITARY	BASE PAY		TOUR ENDED
DEPT. PUBLIC SAFETY	<u>86</u>	<u>97</u>	LAW ENFORCEMENT	<u>585</u>	<u>1200</u>	INTERNAL

BUSINESS REFERENCES

NAME	ADDRESS	OCCUPATION
<u>MR. BOB B. JENNISON</u>	<u>201 201 127 THEODORE SPRING</u>	<u>LAW ENFORCEMENT</u>
<u>MR. J. M. JENNISON</u>	<u>111 211 111 111</u>	<u>DISTRICT JUDGE</u>

This form has been designed to strictly comply with State and Federal fair employment practice laws prohibiting employment discrimination. This Application for Employment Form is sold for general use throughout the United States. TOPS assumes no responsibility for the inclusion in said form of any questions which, when asked by the Employer of the Job Applicant, may violate State and/or Federal Law.

REFERENCES

TROOPER STEVEN DAVIS 406 D ST. UNION SPRINGS AL.

TROOPER AND RECEPTION TROY AL.

ALICE SMITHSON 10000 HWY 51 AL.

CARLTON CIRCLE 10000 HWY 51 AL.

OFFICER CHARLES BEASLEY CLAYTON , AL.

RET. COL. BUBBY HALL CO. RD. 130 UNION SPRINGS, AL.

DEPUTY GARY SMITH CO. RD. 35 MIDWAY, AL.

MR. MILTON HILL HWY 51 MIDWAY, AL.

DEPUTY RAMON ROGERS GROVE CIRCLE UNION SPRINGS, AL.

TOWN OF CLAYTON

P.O. BOX 385, CLAYTON, ALABAMA 36016 PHONE 334-775-3542 FAX 334-775-8423

August 7, 2001

Richard Peterson

Dear Mr. Peterson:

The Town of Clayton is pleased that you are interested in working as a police officer for the town on an on-call basis. Pending a negative pre-employment drug screen, the town will be adding you to the Police Department call list.

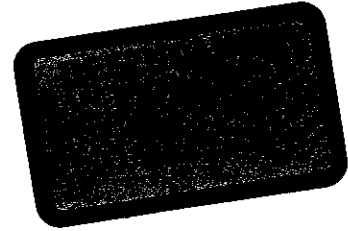
The pay for the on-call police officer is \$9.61 per hour. There are no fringe benefits. This is not a permanent position; you will only be called when needed.

Again, we thank you. If you should have any questions regarding this position, please feel free to call or visit Town Hall.


Thomas K. Killingsworth

TKK/ssw





TO: Chief Jamey Williams
FROM: Asst. Chief Richard Peterson
REF: Outside employee
DATE: November 14, 2004

This letter is to inform you of my intent for outside employment with the State of Alabama, as a Special Investigator starting November 29th 2004. It is also my intent to maintain my employment with the City of Clayton, and the Clayton Police Department. I believe with your cooperation this can and will be productive for both the City, the police department and myself. Thanks in advance for all consideration in this matter of importance.

through the development of educational leadership it is anticipated that academic improvement can be sustained. "The beauty of this," he said, "is this effort is involving practitioners before policy is implemented." He added that the process will be long and the system would not see an immediate return.

Follow-up meetings, he said, have been scheduled with the system's instructional team to focus on the schools' improvement plan. "I'm excited that the state and Barbour County are moving in the same direction," he said.

Board members are making preparations to sell properties that are no longer being occupied due to consolidation of schools.

Two properties, Baker Hill and Clio schools, had been conveyed to the state by law so, in order for the board to sell them, the board approved passage of a resolution.

Dr. Adkison said he had received a formal request for the purchase of the Clio property for a proposed public education recreation center for the county.

The remaining properties include Rebecca Comer School in Springhill.

Other action board members approved included a proposal for Failure Free Reading after school tutorial services for 28 students with A to Z In-Home Tutoring LLC to serve as the Supplemental Service Provider.

and did not appear.

Rowland said he told Peterson he could work either full-time or part-time, but could not work two full-time jobs without stress on the job.

Councilman Smith said they should go along with the police chief's work schedule as they had agreed to in the past. It passed the council with Beasley having the lone dissenting vote.

Mayor Rowland said Assistant

Council members agreed to

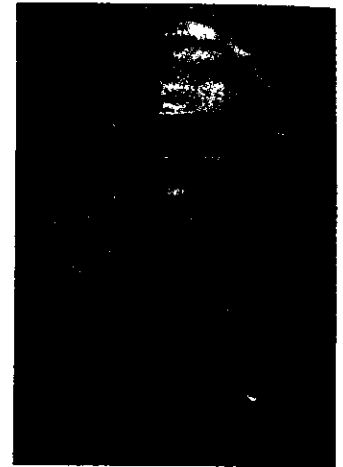
home in Clayton after an extended illness.

Funeral arrangements were not finalized at press time.

Born March 9, 1925 in Clayton, he was the son of the late Robert Foy Beaty Sr. and Mary Bell Bowden Beaty. He was president of Beaty Ford for 60 years. He was an active member of Clayton Baptist Church where he served for many years, and was a charter member of the Clayton Lions Club. He was a veteran of World War II, and served as a city councilman and mayor pro-tem. He was a graduate of Clayton High School. He was preceded in death by his wife of 49 years, Virginia Caraway Beaty.

Survivors include his present

Williamsburg, VA, Joe



ROBERT BEATY

Cyndi Beaty, and Bob and Beaty, all of Auburn; four children, Jessica and Clay (Rob Beaty, Hudson Beaty, Tucker Beaty; and one brother and sister-in-law, Thomas and Martha Beaty, Clayton.

discusses mixed bag of topic

receive a full year's salary. "He was on the bottom of the totem pole and could not afford to pay into the town's retirement system and he would have to live on his social security."

Councilman Jimmy Smith said he council let him work three days a week, but full-time was five days and not three days. A final decision on Lohman's status will be made at the January meeting.

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An ordinance to do away with junk cars in residents' yards was tabled until the January meeting. The ordinance was defeated in the past, but has been brought up

He also told members monthly cost on the lights for Rails to Trails project would be about \$816 per month and asked how they could be financed.

C.G. Banks has retired member of the Clayton V Board leaving a vacancy on three-man board that serve six years. Rowland nominated Alice Hudson, Beasley nominated Jackson Glover and S nominated Eugene West. nominations were tabled until



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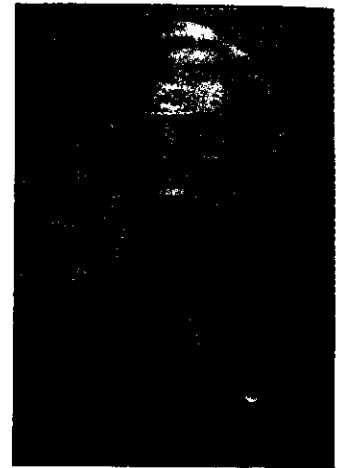
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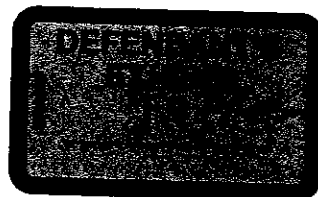
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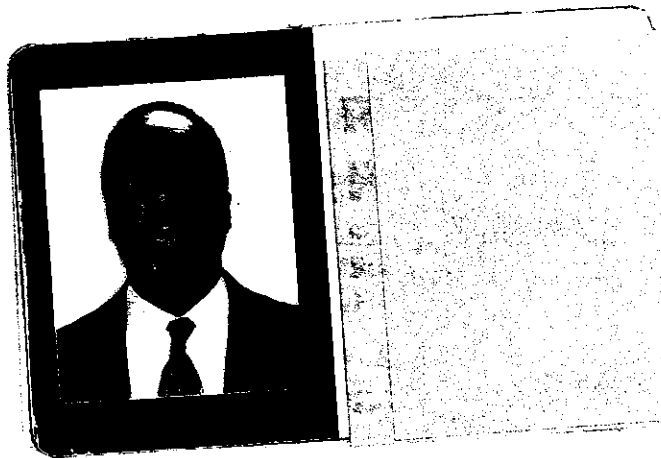
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FROM: Asst. Chief Richard Peterson
REF: Outside employee
DATE: November 14, 2004

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TO: *Honorable Clayton Town Council
C/o Honorable Mayor Protem Leroy Rumph*

FROM: *Richard Peterson
Assistant Chief of Police*

REF: *Grievance Letter of Intent*

DATE: *February 13, 2005*

This letter is meant to inform each of you of my intent to pursue the above matter through the Federal Equal Employment Opportunity Commission (EEOC). I believe this action would be in my best interest and will also relieve this Honorable Council of all political pressure to make the right decision in this matter. The allegation that I have made are true and factual. Since the filing of this complaint I have been subjected to what could be construed as stalking, which in accordance to Alabama State Law is classified as a felony. This action does not frighten me due to the fact "I have not done anything wrong." But it does concern me of what could happen under certain circumstances. It is my belief that "No town "or" city employee of the Town of Clayton, for that matter an employee of any town "or" city should be subjected to threats, harassment, intimidation, political pressure "or" plain racism by any member in municipal government, regardless of there position. This decision is not an attempt to collect from a financial stand point, but to ensure a work place free from all of the ugly evils of every day life, especially in small town government. Thank each of you for your continue support in this matter of importance.

Sincerely, yours



Richard Peterson


Assistant Chief of Police, Clayton Police Department

*Cc; Council Members
Town Clerk
Clayton Record*

TOWN OF CLAYTON

P.O. BOX 385, CLAYTON, ALABAMA 36016 PHONE 334-775-9176 FAX 334-775-8423

MEMO

DATE: March 10, 2005
TO: Assistant Police Chief Richard Peterson
FROM: Mayor Shug Rowland 
RE: Discuss current employment status

Your presence is required at the Council Meeting, Monday, March 14, 2005 at 6:00 p.m.

Copies

TO: *Mayor Shug Rowland
Honorable Clayton Town Council*

FROM: *Assistant Chief Richard Peterson RP*

REF: *Letter Reference; Discuss Current Employment Status
By; Mayor Shug Rowland*

DATE: *March 11, 2005*

This letter is in direct response to the letter written by you Mayor Rowland, reference the above subject. Several weeks ago I was force to file a letter of grievance against you for your acts of Racism, Political Pressures, Discriminate and Personal Agenda toward me. To this date that grievance has not been respond to either orally or written.

This action by you requiring my attendance at the March 14, 2005, Town Council meeting to discuss my employment status, is taken by me as direct reprisal for my filing of a grievance against you for your illegal actions toward me, as stated in my grievance letter.

I contend that I have not made a requested orally or for that matter in any other manner requested that my status be anything other than what it presently is within the police department.

I am presently working forty plus(40) hours each week without fail. In accordance to Federal and State guidelines, I meet the requirement for full time status. I have no intention of requesting any other status other than my present status.

I am the subject of Harassment, Racism, Politics and Discrimination. Any change to my status without cause will be consider disciplinary action without warrant. This action will be a discriminatory act toward me and would be singling me out and treated differently, when all others are allow to manipulate the schedule both full and part-time alike. This manipulation has been present long before now and has been and is allowed by this very council.

*Cc/ Council Members
Clayton Records
Eufaula Tribune*

TO: *The Honorable Clayton Town Council*

FROM: *Assistant Chief Richard Peterson*

REF: *Letter of Grievance*

DATE: *April 30, 2005*

This is a formal complaint of grievance resulting from the malicious and retaliatory actions of Mayor Shug Rowland.

On April 27, 2005, I received a letter deliver by Chief William's reference, a Determination Hearing that listed two unwarranted charges. This letter further stated that this Determination Hearing would be held by Mayor Rowland on Tuesday, May 3, 2005, at the Town Hall at 6:00 p.m. Reference the below listed unwarranted and unjustified Charges.

- 1. Unsatisfactory Record to Meet Time Frame for assigned Shift (3:00 p.m. to 11:00p.m.)*
- 2. Insubordination*

This action by Mayor Rowland is clearly an act of reprisal and retaliation motivated by political, racial and plain discrimination. Mayor Rowland acts of discrimination since my initial filing of a grievance about his discriminatory actions toward me on several occasions has progressively worsen. Once again I'm call on this Honorable Council to take action and stop this aggression by Mayor Rowland. Mayor Rowland is clearly attempting to use his position of authority as Mayor to retaliate and discriminate against me for resisting his acts of Discrimination. Furthermore the method which he propose to use reference Determination Hearing Undermines this very Council because the authority comes back to the Mayor, even after the Council panel has made a decision. That's not proper procedure and does not afore any town employee or me their State and Federal Constitutional Right to Due Process.

Furthermore; Mayor Rowland actions also violates, Town of Clayton, Personnel Rules and Regulations to wit:

Article VII Grievance Procedure:

Section 4. Protection: *No employee shall be disciplined or discriminated against in any way because of his proper use of the grievance procedure, as defined under Section 3 of Article VIII.*

Article XIII Prohibiting Discrimination and Sexual Harassment:

Section 2. Town Policy Governing Discrimination: *It is the Policy of the Town of Clayton, and all departments thereof; to provide equal employment opportunity and equal treatment to all employees in all aspects of employment without regard to race, color, religion, sex (including pregnancy), age (40 or over), national origin, or physical or mental disability (of an otherwise qualified individual).*

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Peterson", with a stylized, flowing script.

**Assistant Chief Richard Peterson
Clayton Police Department**

**Cc/ Clayton Record
Town Clerk, Thomas Killingworth
Federal Equal Employment Opportunity Commission
Attorney Malcolm Newman**

TOWN OF CLAYTON

P.O. BOX 385, CLAYTON, ALABAMA 36016 PHONE 334-775-9176 FAX 334-775-8423

May 6, 2005

Assistant Chief Richard Peterson
6417 County Road 23
Union Springs, AL 36089

RE: Decision to Terminate

Effective May 9, 2005 your position with the Town of Clayton's Police Department has been terminated.

According to Article VIII, Section 5 of the Employee Handbook, you have the right to appeal this decision to the Town Council by requesting so in writing to the Town Clerk within (5) five working days. If written notice of appeal is not received within (5) five working days upon receipt of this decision, all rights to appeal are extinguished.

Regards,



Shug Rowland
Mayor

SR/se

TO: Thomas Killingworth
Town Clerk

FROM: 
Assistant Chief Richard Peterson

RE: Letter of Appeal

DATE: May 10, 2005

This letter is a formal appeal to Mayor Rowland decision to terminate letter dated May 6, 2005. I request a hearing before the Clayton Town Council without delay. Mayor Rowland actions are unwarranted, unjustified and represent his progressive discrimination toward me since December 2, 2004.

Received in hand this day of ^{may} 10 2005, by TK Killingworth

Received 6:40. P.m.

TOWN OF CLAYTON

Post Office Box 385 Telephone 334-775-9176 Clayton, Alabama 36016

May 13, 2005

Assistant Chief Richard Peterson
6417 County Road 23
Union Springs, AL 36087

RE: Special Call Meeting of the Town Council

Dear Assistant Chief Peterson,

Your appeal to the Town Council has been set for May 19, 2005 at 6:00 p.m. in the Council Chambers at Town Hall.

This meeting is to review the Mayors decision and consider such evidence as maybe offered in connection with such decision and the charge against the employee at such hearing.

Regards,


T.K. Killingsworth
Town Clerk

Cc: Mayor Shug Rowland

TK/se

TOWN OF CLAYTON

P.O. BOX 385, CLAYTON, ALABAMA 36016 PHONE 334-775-9176 FAX 334-775-8423

MEMO

DATE: December 9, 2004

TO: Officer Richard Peterson

FROM: Mayor Shug Rowland

RE: Discuss current employment status:

As Mayor of the Town of Clayton, I would like to request your attendance at the Council Meeting on December 13, 2004 at 6:00 p.m.

